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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 10 जनवरी, 2020

का.आ. 835.—निक्षेप बीमा और प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 6 की उप-धारा 2 के खंड (ii) के साथ पठित धारा 6 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री हर्ष कुमार भनवाला, अध्यक्ष, नाबार्ड को दिनांक 17.6.2020 तक की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, निक्षेप बीमा और प्रत्यय गारंटी निगम के निदेशक मंडल में निदेशक के रूप में पुनर्नामित करती है।

[फा. सं. 6/13/2012—बीओ-1]

एस. के. राय, अवर सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

New Delhi, the 10th January, 2020

S.O. 835.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 6 read with clause (ii) of sub-section (2) of section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), Central Government hereby re-nominates Shri Harsh Kumar Bhanwala, Chairman, NABARD as a Director on the Board of Directors of Deposit Insurance and Credit Guarantee Corporation for a period up to 17.6.2020 or until further orders, whichever is earlier.

[F. No. 6/13/2012-BO-I]

S. K. ROY, Under Secy.

नई दिल्ली, 14 जनवरी, 2020

का.आ. 836.—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उपधारा (4) के साथ पठित उप-धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के कार्यपालक निदेशक, श्री माइकल देबब्रत पात्रा (जन्म तिथि 29.09.1960) को पद का कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, 2,25,000/- (लेवल-17) के वेतनमान में भारतीय रिजर्व बैंक के उप-गवर्नर के पद पर नियुक्त करती है।

[फा. सं. 7/1/2012-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 14th January, 2020

S.O. 836.—In exercise of the powers conferred by clause (a) of sub-section (1) read with sub-section (4) of section 8 of The Reserve Bank of India Act, 1934, the Central Government hereby appoints Shri Michael Debabrata Patra (Date of Birth: 29.9.1960), Executive Director, Reserve Bank of India to the post of Deputy Governor, Reserve Bank of India in the pay scale of Rs. 2,25,000/- (Level 17), for a period of three years from the date of joining the post or until further orders, whichever is earlier.

[F. No. 7/1/2012-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 20 जनवरी, 2020

का.आ. 837.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, पंजाब नैशनल बैंक के कार्यपालक निदेशक श्री लिंगम वेंकट प्रभाकर (जन्म तिथि 12.12.1962) को दिनांक 1.2.2020 को या उसके बाद कार्यभार ग्रहण करने की तारीख से और अधिवर्षिता की आयु प्राप्त करने की तारीख (अर्थात् 31.12.2022) तक अथवा अगले आदेशों तक, जो भी पहले हो, केनरा बैंक में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/3/2019-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 20th January, 2020

S.O. 837.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, Central Government hereby appoints Shri Lingam Venkata Prabhakar (Date of Birth: 12.12.1962), Executive Director, Punjab National Bank as Managing Director and Chief Executive Officer, Canara Bank with effect from the date of assumption of office on or after 1.2.2020 and up to the date of his attaining the age of superannuation (*i.e.*, 31.12.2022), or until further orders, whichever is earlier.

[F. No. 4/3/2019-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 20 जनवरी, 2020

का.आ. 838.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय स्टेट बैंक के उप प्रबंध निदेशक श्री संजीव चड्ढा (जन्म तिथि 25.6.1963) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बैंक आफ बड़ौदा में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/3/2019-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 20th January, 2020

S.O. 838.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, Central Government hereby appoints Shri Sanjiv Chadha (Date of Birth: 25.6.1963), Deputy Managing Director, State Bank of India as Managing Director and Chief Executive Officer, Bank of Baroda for a period of three years with effect from the date of assumption of office, or until further orders, whichever is earlier.

[F. No. 4/3/2019-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 20 जनवरी, 2020

का.आ. 839.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक आफ इंडिया के कार्यपालक निदेशक श्री अतानु कुमार दास (जन्म तिथि 10.6.1963) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बैंक आफ इंडिया में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/3/2019-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 20th January, 2020

S.O. 839.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, Central Government hereby appoints Shri Atanu Kumar Das (Date of Birth: 10.6.1963), Executive Director, Bank of India as Managing Director and Chief Executive Officer, Bank of India for a period of three years with effect from the date of assumption of office, or until further orders, whichever is earlier.

[F. No. 4/3/2019-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 20 जनवरी, 2020

का.आ. 840.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उप-धारा (1) के साथ पठित धारा 19 के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय स्टेट बैंक के उप प्रबंध निदेशक श्री चल्ला श्रीनिवासुलु सेट्टी (जन्म तिथि: 26.9.1965) को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय स्टेट बैंक में प्रबंध निदेशक के पद पर नियुक्त करती है।

[फा. सं. 2/1/2016-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 20th January, 2020

S.O. 840.—In exercise of the powers conferred by clause (b) of section 19 read with sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, hereby appoints Shri Challa Sreenivasulu Setty (Date of Birth: 26.9.1965), Deputy Managing Director, State Bank of India as Managing Director, State Bank of India for a period of three years with effect from the date of his taking over charge of the post, or until further orders, whichever is earlier.

[F. No. 2/1/2016-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 5 फरवरी, 2020

का.आ. 841.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, यह घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खण्ड (ग) के उप-खण्ड (i) के उपबंध इण्डियन ओवरसीज बैंक पर लागू नहीं होंगे, जहां तक इसका संबंध इण्डियन ओवरसीज बैंक के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी, श्री कर्णम सेकर को दिनांक 30.6.2020 तक की अवधि के लिए अर्थात् उनकी अधिवर्षिता की आयु तक या अगले आदेशों तक, जो भी पहले हो, यूनिवर्सल सोम्पो जनरल इश्योरेंस कंपनी लिमिटेड के बोर्ड में अतिरिक्त नामिती निदेशक के रूप में नामित करने से है।

[फा. सं. 13/7/2018-बीओ-I]

एस. के. राय, अवर सचिव

New Delhi, the 5th February, 2020

S.O. 841.—In exercise of the powers conferred by sub-section (1) of section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-clause (i) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to Indian Overseas Bank in relation to the nomination of Shri Karnam Sekar, Managing Director and Chief Executive Officer, Indian Overseas Bank on the Board of Universal Sompo General Insurance Company limited as an Additional Nominee Director, for a period up to 30.6.2020, *i.e.* date of his superannuation or until further orders, whichever is earlier.

[F. No. 13/7/2018-BO-I]

S. K. ROY, Under. Secy.

नई दिल्ली, 18 फरवरी, 2020

का.आ. 842.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सिंडिकेट बैंक के विशेष कार्य अधिकारी और पूर्णकालिक निदेशक श्री नागेश्वर राव बाई. (जन्म तिथि: 12.7.1961) के कार्यकाल को दिनांक 21.1.2020 से दिनांक 30.3.2020 तक बढ़ाती है और श्री ए. सी. राउत के स्थान पर बैंक आफ महाराष्ट्र में कार्यपालक निदेशक के पद पर उनकी नियुक्ति को दिनांक 31.3.2020 से 21.1.2021 तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 4/4/2018-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 18th February, 2020

S.O. 842.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby extends the term of office of Shri Nageswara Rao Y. (date of birth: 12.7.1961), Officer on Special Duty and whole-time director, Syndicate Bank beyond 21.1.2020 till 30.3.2020 and his appointment as Executive Director, Bank of Maharashtra *vice* Shri A.C. Rout with effect from 31.3.2020 till 21.1.2021, or until further orders, whichever is earlier.

[F. No. 4/4/2018-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 18 फरवरी, 2020

का.आ. 843.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एम. के. भट्टाचार्य, कार्यपालक निदेशक, इंडियन बैंक के कार्यकाल की अवधि को दिनांक 17.2.2020 से उनकी अधिवर्षिता की तारीख, अर्थात् 30.11.2020 तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 4/5/2016-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 18th February, 2020

S.O. 843.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby extends the term of office of Shri M. K. Bhattacharya as Executive Director, Indian Bank for a period beyond 17.2.2020 till the date of his superannuation, *i.e.*, 30.11.2020, or until further orders, whichever is earlier.

[F. No. 4/5/2016-BO-I]

S. R. MEHAR, Dy. Secy.

नई दिल्ली, 18 फरवरी, 2020

का.आ. 844.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (क) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, डॉ. फरीद अहमद, कार्यपालक निदेशक, पंजाब एंड सिंध बैंक के कार्यकाल की अवधि को दिनांक 16.2.2020 से उनकी अधिवर्षिता की तारीख, अर्थात् 31.7.2020 तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 4/5/2016-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 18th February, 2020

S.O. 844.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, Central Government hereby extends the term of office of Dr Fareed Ahmed as Executive Director, Punjab & Sind Bank for a period beyond 16.2.2020 till the date of his superannuation, i.e., 31.7.2020, or until further orders, whichever is earlier.

[F. No. 4/5/2016-BO-I]

S. R. MEHAR, Dy. Secy.

कोयला मंत्रालय

नई दिल्ली, 21 सितम्बर, 2020

का.आ. 845.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

और, उक्त अनुसूची में वर्णित भूमि के क्षेत्र के विवरण अंतर्विष्ट करने वाला रेखांक संख्या टीसी/एजी/एसयूआर/आरईवी.पीएलएएन/20-21/50, तारीख 6 मई, 2020 का निरीक्षण महाप्रबंधक, ईस्टर्न कोलफील्ड्स लिमिटेड, बंकोला क्षेत्र, डाकघर – उखरा-713363, जिला बर्द्धवान, पश्चिम बंगाल या महाप्रबंधक (खोज प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इन्स्टीच्यूट लिमिटेड, गोंडवाना पैलेस, कांके रोड, रांची, झारखंड के कार्यालय में या कोयला नियंत्रक के कार्यालय, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 या जिला कलेक्टर, जिला पश्चिम बर्द्धमान-713 333, पश्चिम बंगाल के कार्यालय में किया जा सकता है।

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1), द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

2. उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति –

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा ; अथवा
- (ii) उक्त अधिनियम की धारा 4 की उप-धारा (3) के अधीन की गयी किसी कार्यवाही से हुई या होने वाली संभावित किसी क्षति के लिए उक्त अधिनियम की धारा 6 के अधीन प्रतिकर का दावा कर सकेगा; अथवा
- (iii) उक्त अधिनियम की धारा (13) की उप-धारा (1) के अधीन पूर्वोक्षण अनुज्ञप्तियों के प्रभावहीन होने के संबंध में या उक्त अधिनियम की धारा 13 की उप-धारा (4) के अधीन खनन पट्टे प्रभावहीन होने के लिए

प्रतिकर का दावा कर सकेगा और उसे उक्त अधिनियम की धारा 13 की उपधारा (1) के खंड (i) से खंड (iv) में विनिर्दिष्ट मदों की बाबत उपगत व्यय को दर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, चाटों और अन्य दस्तावेजों को परिदत्त कर सकेगा।

राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिनों के भीतर महाप्रबंधक, ईस्टर्न कोलफील्ड्स लिमिटेड, बंकोला क्षेत्र, डाकघर – उखरा-713363, जिला बर्द्धवान, पश्चिम बंगाल को सपर्द करेगा।

अनुसूची

तिलाबोनी ब्लॉक और तिलाबोनी विस्तार ब्लॉक

बंकोला क्षेत्र, पश्चिम बर्धमान

जिला- पश्चिम बर्धमान, राज्य पश्चिम बंगाल

[रेखांक संख्या टीसी/एजी/एसयूआर/आरईवी.पीएलएएन/20-21/50, तारीख 6 मई, 2020]

सभी अधिकार :

[illegible]

खनन अधिकारः

[illegible]

सकल योग : (सभी अधिकार : 400.70 हेक्टेयर + खनन अधिकार : 21.50 हेक्टेयर) =
 422.20 हेक्टेयर (लगभग)
 या 990.131 एकड़ (लगभग) + 53.127 एकड़ (लगभग) =
 1043.258 एकड़ (लगभग)

सीमा-विवरण: कोयला ब्लॉक की सीमा सात मौजा से गुजरती है जो फरीदपुर-दुर्गापुर ब्लॉक के जिला पश्चिम बर्धमान के ऊपर वर्णित से गुजरती है।

1. **रेखा ग-ग1-घ :-** तिलाबोनी मौजा में रेखा शुरू होती है बिंदु 'ग' से जो कोयला ब्लॉक का उत्तर कोना है। यह रेखा दक्षिण पश्चिम से गुजरते हुए झांजरा मौजा में बिंदु 'घ' (कोयला ब्लॉक का पश्चिमी कोना) तक पहुँचती है।
2. **रेखा घ-ड.-ड.1-च-छ-ज-झ-ञ :-** झांजरा मौजा में रेखा शुरू होती है बिंदु 'घ' से जो कोयला ब्लॉक का पश्चिमी कोना है। यह रेखा दक्षिण पूर्व दिशा में भद्रपुर मौजा से गुजरते हुए बंशिया मौजा में बिंदु 'ज' (कोयला ब्लॉक का दक्षिणी कोना) तक पहुँचती है।
3. **रेखा ज-ञ1-ट :-** बंशिया मौजा में रेखा शुरू होती है बिंदु 'ज' से जो कोयला ब्लॉक का दक्षिणी कोना है। यह रेखा उत्तर पूर्व दिशा से गुजरते हुए जामगोरा मौजा में बिंदु 'ट' (कोयला ब्लॉक का पूर्वी कोना) तक पहुँचती है।
4. **रेखा ट-ठ :-** जामगोरा मौजा में रेखा शुरू होती है बिंदु 'ट' से जो कोयला ब्लॉक का पूर्वी कोना है। यह रेखा उत्तर-पश्चिम दिशा से गुजरते हुए जामगोरा मौजा में बिंदु 'ठ' (कोयला ब्लॉक का उत्तर पश्चिम कोना) तक पहुँचती है।
5. **रेखा ठ-ड :-** जामगोरा मौजा में रेखा शुरू होती है बिंदु 'ठ' से जो कोयला ब्लॉक का उत्तर पश्चिम कोना है। यह रेखा दक्षिण-पश्चिम दिशा से गुजरते हुए जामगोरा मौजा में बिंदु 'ड' तक पहुँचती है।
6. **रेखा ड-ण-त-थ-द-ध-न-प-फ-ब-भ-म-य-ज :-** जामगोरा मौजा में रेखा शुरू होती है बिंदु 'ड' से और यह रेखा उत्तर पश्चिम दिशा से गुजरते हुए चाक-लाउदोहा मौजा में बिंदु 'ज' तक पहुँचती है।
7. **रेखा ज-कक :-** चाक-लाउदोहा मौजा में रेखा शुरू होती है बिंदु 'ज' से और यह रेखा उत्तर पश्चिम दिशा से गुजरते हुए चाक-लाउदोहा मौजा में बिंदु 'कक' तक पहुँचती है।
8. **रेखा कक-खख-गग-घघ-ड.ड.-चच-ग :-** चाक-लाउदोहा मौजा में रेखा शुरू होती है बिंदु 'कक' से और यह रेखा पश्चिम दिशा में लाउदोहा मौजा से गुजरते हुए तिलाबोनी मौजा में बिंदु 'ग' (कोयला ब्लॉक का उत्तरी कोना) तक पहुँचती है।

[फा. सं. 43015/18/2020-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

MINISTRY OF COAL

New Delhi, the 21st September, 2020

S.O. 845.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality described in the Schedule annexed hereto;

And whereas the plan bearing number TC/AG/SUR/REV.PLAN/20-21/50, dated the 6th May, 2020 containing details of the area of land described in the said Schedule may be inspected at the office of the General Manager, Eastern Coalfields Limited, Bankola Area, Post Office – Ukhra-713363, District Burdwan,

West Bengal or at the office of the General Manager (Exploration Division), Central Mine Planning and Design Institute Limited, Gondwana Place, Kanke Road, Ranchi, Jharkhand or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the office of the District Collector, District Pashchim Burdwan-713 333, West Bengal.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to the said Act), the Central Government hereby gives notice of its intention to prospect for coal from the lands described in the said Schedule.

2. Any person interested in the lands described in the said Schedule may-

- (i) object to the acquisition of the whole or any part of the land or of any right in or over the said land; or
- (ii) claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 of the said Act; or
- (iii) claim compensation under sub-section (1) of section 13 of the said Act in respect of prospecting licences ceasing to have effect or under sub-section (4) of section 13 of the said Act for mining lease ceasing to have effect and deliver all maps, chart and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of section 13 of the said Act.

to the office of the General Manager, Eastern Coalfields Limited, Bankola Area, Post Office – Ukhra-713363, District Burdwan, West Bengal within a period of ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Tilaboni Block and Tilaboni Extension Block

Bankola Area, Pashchim Burdwan

District- Pashchim Burdwan, State-West Bengal

[Plan bearing number TC/AG/SUR/REV.PLAN/20-21/50, dated the 6th May, 2020]

All Rights:

[illegible]

Mining Rights:

Sr. No.	Mouza/ Village	Patwari halka number / Thana number/ Village number	Tehsil/ Thana	Block	District	Area in hectares	Remarks
1.	Jhanjra	J.L. No. 34	Faridpur (Laudoha)	Faridpur-Durgapur	Pashchim Burdwan	9.50	Part
2.	Tilaboni	J.L. No. 20	Faridpur (Laudoha)	Faridpur-Durgapur	Pashchim Burdwan	12.00	Part
Total : 21.50 hectares (approximately) or 53.127 acres (approximately)							
Grand Total : (All Rights : 400.70 hectares + Mining Rights : 21.50) = 422.20 hectares (approximately) or 990.131 acres (approximately) + 53.127 acres (approximately) = 1043.258 acres (approximately)							

Boundary Description: The boundary of the coal block passes through the above said seven mouzas of Faridpur-Durgapur Block of Pashchim Burdwan District.

1. **Line C-C1-D:-** The line start at point "C" in the northern corner of the coal block from Tilaboni mouza trends in south west direction reaches at point "D" (western corner of the block) in Jhanjra mouza.
2. **Line D-E-F-G-H-I-J:-** The line start at point "D" in south west corner of the coal block from Jhanjra mouza trends in south east direction of the coal block reaches at point "J" (Southern corner of the block) in Banshia mouza passing through Bhadrapur mouza.
3. **Line J-J1-K:-** The line start at point "J" in southern corner of the coal block from Banshia mouza trends in north east direction of the coal block reaches at point "K" (eastern corner of the block) in Jamgora mouza.
4. **Line K-L:-** The line start at point "K" in north east corner of the coal block from jamgora mouza trends in north west direction of the coal block reaches at point "L" (north west corner of the block) in Jamgora mouza.
5. **Line L-M:-** The line start at point "L" in north west corner of the coal block from Jamgoara mouza trends in south west corner of the coal block reaches at point "M" in Jamgora mouza.
6. **Line M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z:-** The line start at point "M" in south west corner of the coal block from Jamgora mouza trends in north west direction of the coal block reaches at point "Z" in Chaklaudoha mouza.
7. **Line Z-AA:-** The line starts at point "Z" in Chaklaudoha mouza trends in north direction of the coal block reaches at point "AA" in Chaklaudoha mouza.
8. **Line AA-BB-CC-DD-EE-FF-C:-** The line start at point "AA" in Chaklaudoha mouza trends in western direction of the coal block reaches at point "C" (northern corner of the block) in Tilaboni mouza passing through Laudoha mouza.

[F. No. 43015/18/ 2020-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 24 सितम्बर, 2020

का.आ. 846.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 24 अगस्त, 2019 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 1491, तारीख 16 अगस्त, 2019 द्वारा उस अधिसूचना में संलग्न अनुसूची में

विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 93.98 एकड़ (लगभग) या 38.04 हेक्टेयर (लगभग) है और उस पर के सभी अधिकार का अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और झारखंड सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है, कि इसे संलग्न अनुसूची में वर्णित 93.98 एकड़ (लगभग) या 38.04 हेक्टेयर (लगभग), माप वाली भूमि और ऐसी भूमि में और उस पर के सभी अर्जित किए जाने चाहिए।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इससे संलग्न अनुसूची में यथा वर्णित 93.98 एकड़ (लगभग) या 38.04 हेक्टेयर (लगभग), माप वाली भूमि में और उस पर के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्यांक आरईवी/01/2020, तारीख 29 जून, 2020 का निरीक्षण उपायुक्त जिला रामगढ़, झारखण्ड के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या महाप्रबंधक बरका सयाल क्षेत्र, जिला - रामगढ़, झारखंड के कार्यालय में या महाप्रबंधक, भूमि और राजस्व, सेंट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, राँची- 834001, झारखंड के कार्यालय में अथवा मुख्य महाप्रबंधक (खोज प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इन्स्टीट्यूट लिमिटेड, गोंडवाना पैलेस, कांके रोड, राँची- 834008, झारखंड के कार्यालय में किया जा सकता है।

अनुसूची

जीवनधारा विवृत परियोजना

जिला रामगढ़ (झारखंड)

(रेखांक संख्यांक आर.ई.वी./01/2020, तारीख 29 जून, 2020)

सभी अधिकार :

क्र.सं.	ग्राम	थाना	थाना संख्या	जिला	क्षेत्र (एकड़ में)	क्षेत्र (हेक्टेयर में)	टिप्पणियां
1.	चोरधरा	पतरातु	55	रामगढ़	93.98	38.04	भाग
कुल :					93.98 एकड़ (लगभग)	38.04 हेक्टेयर (लगभग)	

1. ग्राम चोरधरा में अर्जित किए जाने वाले प्लॉट संख्यांक : 07(भाग), 08(भाग), 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 और 24.

भू-अभिलेख के अनुसार अर्जित किए जाने वाले भूमि के विवरण का ब्यौरा नीचे सारणी में दिया गया है:-

सारणी

ग्राम	थाना संख्या	खाता संख्या	प्लॉट संख्या	राजस्व रिकार्ड (एकड़ में) के अनुसार प्लॉट का क्षेत्र	अर्जन का क्षेत्र (एकड़ में)	भूमि का प्रकार	अभिलेखित भूस्वामी - का नाम
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
चोरधरा	55	14	7(भाग)	1.42	1.04	रैयती	भोखरा उरांव
चोरधरा	55	5	9	1.11	1.11	रैयती	चोपा मांझी
चोरधरा	55	18	10	1.71	1.71	रैयती	लोहरा मोदी (उरांव)

चोरधरा	55		11	0.77	0.77	रैयती	लोहरा मोदी (उरांव)
चोरधरा	55	19	12	1.15	1.15	रैयती	मगनु मांझी
चोरधरा	55	5	13	1.43	1.43	रैयती	चोपा मांझी
चोरधरा	55	18	14	0.76	0.76	रैयती	लोहरा मोदी (उरांव)
चोरधरा	55		15	1.05	1.05	रैयती	लोहरा मोदी (उरांव)
चोरधरा	55	14	16	1.08	1.08	रैयती	भोखरा उरांव
चोरधरा	55	6	17	1.71	1.71	रैयती	डेलवा उरांव
चोरधरा	55	18	18	0.53	0.53	रैयती	लोहरा मोदी (उरांव)
चोरधरा	55	5	19	3.02	3.02	रैयती	चोपा मांझी
चोरधरा	55	6	22	0.14	0.14	रैयती	डेलवा उरांव
चोरधरा	55		23	0.56	0.56	रैयती	डेलवा उरांव
चोरधरा	55	26	24	23.40	23.40	सरकारी भूमि	
चोरधरा	55		21	26.50	26.50	सरकारी भूमि	
चोरधरा	55		8(भाग)	36.42	28.02	सरकारी भूमि	
कुल :			प्लॉट 17 संख्याक	102.76	एकड़ 93.98 (लगभग)		

सीमा-वर्णन :

क-ख-ग-घ-ङ-क : रेखा, ग्राम चोरधरा के बिन्दु 'क' से आरंभ होती है और बिन्दु 'ख', 'ग', 'घ' और 'ङ.' से गुजरते हुए उसी चोरधरा ग्राम में आरंभिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/6/2018-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

New Delhi, the 24th September, 2020

S.O. 846.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1491, dated the 16th August, 2019, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 24th August, 2019, the Central Government gave notice of its intention to acquire the land measuring 93.98 acres (approximately) or 38.04 hectares (approximately) and all rights in and over such land in the locality specified in the Schedule appended to that notification;

And whereas, the competent authority in pursuance of Section 8 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the report aforesaid and after consulting the Government of Jharkhand is satisfied that the land measuring 93.98 acres (approximately) or 38.04 hectares (approximately) and all rights in and over such land described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 93.98 acres (approximately) or 38.04 hectares (approximately) and all rights in and over such land as described in the Schedule, are hereby acquired.

The plan bearing number REV/01/2020, dated the 29th June, 2020 of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, District - Ramgarh, Jharkhand or at the Office of Coal Controller, 1, Council House street, Kolkata 700001 or in the Office of the General Manager, Barka Sayal Area, District- Ramgarh, Jharkhand or General Manager, Land and Revenue, Central Coalfields Limited, Darbhanga House, Ranchi- 834001, Jharkhand or Chief General Manager (Exploration Division),

Central Mine Planning and Design Institute Limited, Gondwana Palace, Kanke Road, Ranchi - 834008, Jharkhand.

SCHEDULE

JEEWANDHARA OPENCAST PROJECT DISTRICT- RAMGARH (JHARKHAND)

[Plan bearing number: Rev/01/2020, dated the 29th June, 2020]

All Rights:

Sl.No.	Village	Thana	Thana number	District	Area (in acres)	Area (in hectares)	Remarks
1.	Chordhara	Patratu	55	Ramgarh	93.98	38.04	Part
Total :					93.98 acres (approximately)	38.04 hectares (approximately)	

1. Plot numbers to be acquired in village Chordhara: 07(P), 08(P), 9, 10, 11, 12, 13, 14, 15,16,17,18,19,21, 22,23 and 24.

Details of land to be acquired with land records is given in the table below: -

TABLE

Village	Thana No.	Khata No.	Plot No.	Area of plot as per Revenue Record (in acres)	Acquired the area (in acres)	Class of land	Name of recorded Tenant
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Chordhara	55	14	7(P)	1.42	1.04	Tenancy	Bhokhra oraon
Chordhara	55	5	9	1.11	1.11	Tenancy	Chopa Manjhi
Chordhara	55	18	10	1.71	1.71	Tenancy	Lohra Modi (oraon)
Chordhara	55		11	0.77	0.77	Tenancy	Lohra Modi (oraon)
Chordhara	55	19	12	1.15	1.15	Tenancy	Magnu Manjhi
Chordhara	55	05	13	1.43	1.43	Tenancy	Chopa Manjhi
Chordhara	55	18	14	0.76	0.76	Tenancy	Lohra Modi (oraon)
Chordhara	55		15	1.05	1.05	Tenancy	Lohra Modi (oraon)
Chordhara	55	14	16	1.08	1.08	Tenancy	Bhokhra oraon
Chordhara	55	6	17	1.71	1.71	Tenancy	Delwa oraon
Chordhara	55	18	18	0.53	0.53	Tenancy	Lohra Modi (oraon)
Chordhara	55	5	19	3.02	3.02	Tenancy	Chopa Manjhi
Chordhara	55	6	22	0.14	0.14	Tenancy	Delwa oraon
Chordhara	55		23	0.56	0.56	Tenancy	Delwa oraon
Chordhara	55	26	24	23.40	23.40	Government Land	
Chordhara	55		21	26.50	26.50	Government Land	
Chordhara	55		8(P)	36.42	28.02	Government Land	
Total :			17 no. of plots	102.76	93.98 acres (approximatively)		

Boundary Description:

A-B-C-D-E-A - Line starts from point 'A' in village Chordhara and passes through points 'B', 'C', 'D' and 'E' and meets at starting point 'A' in the same village Chordhara.

[F. No. 43015/6/ 2018-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 25 सितम्बर, 2020

का.आ. 847.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन भारत सरकार ने कोयला मंत्रालय द्वारा जारी की गई अधिसूचना संख्यांक का. आ. 413, तारीख 27 मई, 2020, जो भारत के राजपत्र के भाग II, खण्ड 3, उप-खण्ड (ii), तारीख 30 मई, 2020 में प्रकाशित की गई थी, उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 654.618 हेक्टर (लगभग) या 1617.56 एकड़ (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विहित उक्त भूमि के भाग में कोयला अभिप्राप्त है ;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 654.618 हेक्टर (लगभग) या 1617.56 एकड़ (लगभग) माप वाली भूमि में या उस पर के अधिकार का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1 : इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्यांक सी-1(ई)III/ एफएफआर/620-960, तारीख 27 जून, 2020 का निरीक्षण कलक्टर, जिला बैतूल, मध्य प्रदेश के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700 001 के कार्यालय में या विभागाध्यक्ष (भूमि और राजस्व), वेस्टर्न कोलफील्ड्स लिमिटेड, कोल इस्टेट, सिविल लाईन्स, नागपुर - 440 001, महाराष्ट्र के कार्यालय में किया जा सकता है।

टिप्पण 2 : उक्त अधिनियम की उपधारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है :-

“ 8. अर्जन की बाबत आपत्तियाँ .- (1) कोई व्यक्ति जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना जारी है, हितबद्ध है, अधिसूचना के जारी किए जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण .- इस धारा के अंतर्गत यह आपत्ति नहीं मानी जाएगी, कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप-धारा (1) के अधीन प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम अधिकारी, आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के

संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार हो, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।"

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक 1, काउंसिल हाउस स्ट्रीट, कोलकाता -700 001 को उक्त अधिनियम के अधीन अधिसूचना संख्या का. आ. 2519, तारीख 27 मई, 1983, जो भारत के राजपत्र भाग II, खंड 3, उप-खंड (ii) में तारीख 11 जून, 1983 में प्रकाशित की गयी थी, द्वारा सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

गांधीग्राम भूमिगत खान

पाथाखेडा क्षेत्र

जिला बैतूल (मध्य प्रदेश)

(रेखांक संख्या सी -I (ई)III/एफएफआर/620-960, तारीख 27 जून, 2020)

भाग - I									
खनन अधिकार:									
क्र. सं.	ग्राम का नाम	पटवारी सर्किल/कम्पार्टमेंट संख्या	तहसील	जिला	क्षेत्रफल (हेक्टर में)				टिप्पणियां
					निजी	सरकारी	वन	कुल	
1.	गांधीग्राम	5	घोडाडोंगरी	बैतूल	53.253	3.517	204.348	261.118	भाग
2.	आरक्षित वन	324, 325, 330	घोडाडोंगरी	बैतूल	0.00	0.00	367.946	367.946	भाग
कुल:					53.253	3.517	572.294	629.064	
भाग - I (खनन अधिकार) - 629.064 हेक्टर (लगभग) या 1554.42 एकड़ (लगभग)									
भाग - II									
सभी अधिकार :									
1	गांधीग्राम	5	घोडाडोंगरी	बैतूल	9.733	0.138	7.857	17.728	भाग
2	भोगईखापा	6	घोडाडोंगरी	बैतूल	5.607	0.144	0.00	5.751	भाग
3	आरक्षित वन	328	घोडाडोंगरी	बैतूल	0.00	0.00	2.075	2.075	भाग
कुल:					15.34	0.282	9.932	25.554	
भाग - II (सभी अधिकार) - 25.554 हेक्टर (लगभग) या 63.14 एकड़ (लगभग)									

महा जोड़ (भाग- I + भाग- II) : 629.064 हेक्टेयर + 25.554 हेक्टेयर = 654.618 हेक्टेयर
(लगभग).

अथवा 1554.42 एकड़ + 63.14 एकड़ = 1617.56 एकड़ (लगभग)

भाग - I

(1) ग्राम गांधीग्राम में अर्जित किए जाने वाले प्लॉट संख्यांक :

25, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 58, 59, 60, 63, 64, 65, 66, 67, 69, 70, 71, 73, 76, 77, 79, 80, 81, 82, 83, 85, 86, 87, 88, 90, 93, 95, 96, 98, 99, 100, 101, 102, 107, 109, 111, 113, 115, 116, 117, 119, 121, 124, 126, 128, 129, 131, 133, 136, 138, 140, 141, 142, 143, 144, 145 (भाग).

(2) सरकारी भूमि :

31, 41, 43, 52, 57, 61, 62, 68, 72, 78, 84, 94, 134.

(3) वन भूमि :

3 (भाग), 24 (भाग), 26, 29, 42, 74, 75, 89, 91, 92, 97, 103 (भाग), 106, 108, 110, 112, 114, 118, 120, 122, 123, 125, 127, 130, 132, 135, 137, 139, 146 (भाग).

(4) आरक्षित वन भूमि :

कम्पार्टमेंट संख्या 324 (भाग), कम्पार्टमेंट संख्या 325 (भाग), कम्पार्टमेंट संख्या 330 (भाग).

भाग - II

(1) ग्राम गांधीग्राम में अर्जित किए जाने वाले प्लॉट संख्यांक :

7 (भाग) , 9 (भाग), 17 (भाग), 19 (भाग), 148 (भाग), 149, 150, 152, 155, 156.

(2) सरकारी भूमि :

154 (भाग).

(3) वन भूमि :

6 (भाग), 8 (भाग), 10 (भाग), 18 (भाग), 20 (भाग), 103 (भाग), 147 (भाग), 151 (भाग), 153 (भाग), 157, 158.

(4) ग्राम भोगईखापा में अर्जित किए जाने वाले प्लॉट संख्यांक :

213 (भाग), 214 (भाग), 215/2 (भाग), 216 (भाग), 218 (भाग), 219 (भाग), 220/2 (भाग), 221/2 (भाग), 223/1- 223/2 (भाग), 244 (भाग), 248 (भाग).

(5) सरकारी भूमि :

217 (भाग), 222 (भाग), 241 (भाग), 247 (भाग).

(6) आरक्षित वन भूमि :

कम्पार्टमेंट संख्या 328 (भाग).

सीमा वर्णन :**(भाग - I)**

- क-ख-ग-घ-ङ.-च: रेखा ग्राम गांधीग्राम की ग्राम सीमा पर स्थित बिन्दु 'क' से आरंभ होती है और उत्तर-पूर्व दिशा में ग्राम शक्तीगढ़ और ग्राम गांधीग्राम की सम्मिलित ग्राम सीमा पर स्थित बिन्दु 'ख'- 'ग'- 'घ'- 'ङ.- 'च' से गुजरती है और बिन्दु 'च' पर मिलती है।
- च-छ-ज-झ-ञ : रेखा बिन्दु 'च' से आरंभ होकर कम्पार्टमेंट संख्या 324 की बाह्य सीमा से होती हुई उत्तर-पश्चिम दिशा में, फिर उत्तर दिशा में बिन्दु 'छ'- 'ज'- 'झ' से होती हुई जाती है और कम्पार्टमेंट संख्या 324 में स्थित बिन्दु 'ज' पर मिलती है।
- ज-ट-ठ : रेखा कम्पार्टमेंट संख्या 324 में स्थित बिन्दु 'ज' से आरंभ होती है और उत्तर-पूर्व दिशा में बिन्दु 'ट' से होकर दक्षिण-पश्चिम दिशा से होती हुई गुजरती है और बिन्दु 'ठ' पर मिलती है।
- ठ-ड-ढ : रेखा बिन्दु 'ठ' से आरंभ होती है, उत्तर-पूर्व दिशा में बिन्दु 'ड' से होती हुई जाती है और कम्पार्टमेंट संख्या 325 में स्थित बिन्दु 'ढ' पर मिलती है।
- ढ-ण-त : रेखा बिन्दु 'ढ' से आरंभ होती है, कम्पार्टमेंट संख्या 325 की दक्षिण-पश्चिम दिशा में बिन्दु 'ण' से होती हुई जाती है फिर कम्पार्टमेंट संख्या 330 में स्थित बिन्दु 'त' पर मिलती है।
- त-थ-द : रेखा बिन्दु 'त' से आरंभ होती है, दक्षिण-पूर्व दिशा में बिन्दु 'थ' से होकर गुजरती है और कम्पार्टमेंट संख्या 325 में स्थित बिन्दु 'द' पर मिलती है।
- द-ध-न-प : रेखा बिन्दु 'द' से आरंभ होती है, दक्षिण-पश्चिम दिशा में बिन्दु 'ध'- 'न' से होकर उत्तर दिशा में मुड़ती हुई गुजरती है और बिन्दु 'प' पर मिलती है।
- प-फ-ब-भ : रेखा बिन्दु 'प' से आरंभ होती है, दक्षिण-पश्चिम दिशा में बिन्दु 'फ' – 'ब' से होती हुई गुजरती है और ग्राम गांधीग्राम और कम्पार्टमेंट संख्या 330 की सीमा पर स्थित बिन्दु 'भ' पर मिलती है।
- भ-म-य-क : रेखा बिन्दु 'भ' से आरंभ होती है, दक्षिण-पश्चिम दिशा में बिन्दु 'म' से होकर पश्चिम दिशा में ग्राम गांधीग्राम में स्थित बिन्दु 'म' – 'य' से होती हुई ग्राम गांधीग्राम की सीमा पर स्थित बिन्दु 'क' पर समाप्त होती है।

सीमा वर्णन : (भाग - II)

- क1-ख1-ग1 : रेखा ग्राम गांधीग्राम में बिन्दु 'क1' से आरंभ होती है, गांधीग्राम भूमिगत खान की सीमा से लगकर उत्तर-पूर्व दिशा से होती हुई गुजरती है और बिन्दु 'ख1' से होती हुई बिन्दु 'ग1' पर मिलती है।
- ग1-घ1-ङ.1 : रेखा बिन्दु 'ग1' से आरंभ होती है, पूर्व दिशा में बिन्दु 'घ1' से होती हुई दक्षिण दिशा में गुजरती है और बिन्दु 'ङ.1' पर मिलती है।
- ङ.1-च1-छ1 : रेखा बिन्दु 'ङ.1' से आरंभ होती है, पश्चिम दिशा से होती हुई फिर दक्षिण-पश्चिम दिशा में मुड़ती हुई बिन्दु 'च1' से होती हुई दक्षिण दिशा में बिन्दु 'छ1' पर मिलती है।
- छ1-ज1-झ1-ञ1 : रेखा बिन्दु 'छ1' से आरंभ होती है, दक्षिण-पश्चिम दिशा में बिन्दु 'ज1' से होकर प्लॉट संख्यांक 155, 156, 157 की दक्षिण दिशा से लगकर होती हुई बिन्दु 'झ1' से होकर उत्तर दिशा में

- प्लाट संख्यांक 157, 158 की पश्चिम सीमा से लगकर गुजरती है फिर प्लाट संख्या 149 में से होती हुई बिन्दु 'ज1' पर मिलती है।
- ज1-ट1 : रेखा बिन्दु 'ज1' से आरंभ होती है, पश्चिम दिशा में प्लाट संख्यांक 148, 147, 17, 18, 19, 10, 9, 8, 7 से होती हुई ग्राम गांधीग्राम और ग्राम भोगईखापा की सम्मिलित सीमा पर प्लाट संख्या 6 के निकट बिन्दु 'ट1' पर मिलती है।
- ट1-ठ1-ड1 : रेखा बिन्दु 'ट1' से आरंभ होती है, ग्राम भोगईखापा में दक्षिण दिशा में प्लाट संख्यांक 223/1, 221/2, 220/2, 219, 218, 215/2, 214, 244, 248 से होती हुई बिन्दु 'ठ1' से होकर ग्राम भोगईखापा की सीमा को पार करते हुए कम्पार्टमेंट संख्या 328 में स्थित तवा पुलिया के पास स्थित बिन्दु 'ड1' पर मिलती है।
- ड1-ढ1-ण1 : रेखा बिन्दु 'ड1' से आरंभ होती है, तवा पुलिया को पार करती हुई बिन्दु 'ढ1' से मिलती है फिर दक्षिण-पश्चिम दिशा से होती हुई बिन्दु 'ण1' पर मिलती है।
- ण1-त1-थ1 : रेखा बिन्दु 'ण1' से आरंभ होती है, उत्तर-पूर्व दिशा से होती हुई तवा पुलिया पार कर बिन्दु 'त1' से होती हुई ग्राम भोगईखापा में प्लाट संख्यांक 248, 247, 244, 213, 214, 215/2, 216 में से होती हुई बिन्दु 'थ1' पर मिलती है।
- थ1-द1 : रेखा बिन्दु 'थ1' से आरंभ होती है, उत्तर दिशा में प्लाट संख्यांक 220/2, 221/2, 222, 223/1 में से होती हुई ग्राम गांधीग्राम और ग्राम भोगईखापा की सम्मिलित सीमा पर स्थित बिन्दु 'द1' पर मिलती है।
- द1-ध1-न1 : रेखा बिन्दु 'द1' से आरंभ होती है, पूर्व दिशा में प्लाट संख्यांक 6, 7, 8, 9, 10, 19, 18, 17, 147 में से होकर गुजरती है और बिन्दु 'ध1' से होती हुई बिन्दु 'न1' पर मिलती है।
- न1-क1 : रेखा बिन्दु 'न1' से आरंभ होती है, राजस्व वन संख्या 103 से उत्तर-पूर्व दिशा से होकर गुजरती है और आरंभिक बिन्दु 'क1' पर समाप्त होती है।

[फा. सं. 43015/7/2020-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

New Delhi, the 25th September, 2020

S.O. 847.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 413, dated the 27th May, 2020 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 30th May, 2020, the Central Government gave notice of its intention to prospect for coal in 654.618 hectares (approximately) or 1617.56 acres (approximately) of the land in the locality specified in the Schedule annexed to that notification ;

And, whereas, the Central Government is satisfied that coal is obtainable in a part of the said lands prescribed in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 654.618 hectares (approximately) or 1617.56 acres (approximately) and all rights in or over the said land described in the Schedule appended hereto.

Note 1: The plan bearing number C-I(E)III/FFR/620-960, dated the 27th June, 2020 of the area covered by this notification may be inspected in the office of the Collector, District Betul, Madhya Pradesh or in the office of the Coal Controller, 1, Council House Street, Kolkata - 700 001 or in the office of the

Head of Department (Land and Revenue), Western Coalfields Limited, Revenue Department, Coal Estate, Civil Lines, Nagpur – 440 001 Maharashtra.

Note 2: Attention is hereby invited to the provisions of section 8 of the said Act which provides as follows:-

“8. Objection to acquisition.- (1) Any person interested in any land in respect of which a notification under section 7 has been issued, may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.-It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of proceedings held by him, for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

Note 3: The Coal Controller, 1, Council House Street, Kolkata - 700 001 has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 2519, dated the 27th May, 1983, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 11th June, 1983.

SCHEDULE

Gandhigram Underground Mine
Pathakhara Area
District Betul (Madhya Pradesh)

[Plan bearing number C-I(E)III/FFR/620-960, dated the 27th June, 2020)

Part I									
Mining Rights :									
Sl. No	Name of Village	PC / Compartment No.	Tahsil	District	Area (In hectares)				Remarks
					Tenancy	Govt.	Forest	Total	
1.	Gandhigram	5	Ghoradongri	Betul	53.253	3.517	204.348	261.118	Part
2.	Reserved Forest	324, 325, 330	Ghoradongri	Betul	0.00	0.00	367.946	367.946	Part
Total :					53.253	3.517	572.294	629.064	
Part – I (Mining Rights) 629.064 hectares (approximately) or 1554.42 acres (approximately)									
Part II									
All Rights :									
1	Gandhigram	5	Ghoradongri	Betul	9.733	0.138	7.857	17.728	Part
2	Bhogaikhapa	6	Ghoradongri	Betul	5.607	0.144	0.00	5.751	Part
3	Reserved Forest	328	Ghoradongri	Betul	0.00	0.00	2.075	2.075	Part
Total :					15.34	0.282	9.932	25.554	
Part – II (All Rights) – 25.554 hectares (approximately) or 63.14 acres (approximately)									

Grand Total(Part-I+Part-II): 629.064 hectares + 25.554 hectares = 654.618 hectares (approximately).
or 1554.42 acres + 63.14 acres= 1617.56 acres (approximately).

Part I**(1) Plot numbers to be acquired in village Gandhigram:**

25, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 58, 59, 60, 63, 64, 65, 66, 67, 69, 70, 71, 73, 76, 77, 79, 80, 81, 82, 83, 85, 86, 87, 88, 90, 93, 95, 96, 98, 99, 100, 101, 102, 107, 109, 111, 113, 115, 116, 117, 119, 121, 124, 126, 128, 129, 131, 133, 136, 138, 140, 141, 142, 143, 144, 145 (Part).

(2) Government Land :

31, 41, 43, 52, 57, 61, 62, 68, 72, 78, 84, 94, 134.

(3) Forest Land :

3 (Part), 24 (Part), 26, 29, 42, 74, 75, 89, 91, 92, 97, 103 (Part), 106, 108, 110, 112, 114, 118, 120, 122, 123, 125, 127, 130, 132, 135, 137, 139, 146 (Part).

(4) Reserved Forest Land :

Compartment No. 324 (Part), Compartment No 325 (Part), Compartment No. 330 (Part).

Part II**(1) Plot numbers to be acquired in village Gandhigram :**

7 (Part), 9 (Part), 17 (Part), 19 (Part), 148 (Part), 149, 150, 152, 155, 156.

(2) Government Land :

154 (Part).

(3) Forest Land :

6 (Part), 8 (Part), 10 (Part), 18 (Part), 20 (Part), 103 (Part), 147 (Part), 151 (Part), 153 (Part), 157, 158.

(4) Plot numbers to be acquired in village Bhogaikhapa :

213 (Part), 214 (Part), 215/2 (Part), 216 (Part), 218 (Part), 219 (Part), 220/2 (Part), 221/2 (Part), 223/1 - 223/2 (Part), 244 (Part), 248 (Part).

(5) Government Land :

217 (Part), 222 (Part), 241 (Part), 247 (Part).

(6) Reserved Forest Land :

Compartment No. 328 (Part).

Boundary Description :**(PART – I)**

A-B-C-D-E-F : Line starts from point 'A' on boundary of village Gandhigram and passes in North-East direction through point 'B'-'C'-'D'-'E'-'F' on the common village boundary of village Shaktigarh and Gandhigram and meets at point 'F'.

F – G – H – I – J : Line starts from point 'F' passes along the compartment number 324 passes in west direction then in North-East direction through points 'G'-'H'-'I' and meets at point 'J' in compartment number 324.

J – K – L :	Line starts from point 'J' in forest compartment number 324, passes in North-East direction through point 'K', then passes in South-West direction and meets at point 'L'.
L – M – N :	Line starts from point 'L', passes in North-East direction through point 'M' and meets at point 'N' in compartment number 325.
N – O – P :	Line starts from point 'N' in compartment number 325, passes in South-West direction through point 'O', and meets at point 'P' in compartment number 330.
P – Q – R :	Line starts from point 'P', passes in South-East direction through Point 'Q' and meets at point 'R' in compartment number 325.
R – S – T – U :	Line starts from point 'R', passes in South-West direction through point 'S - T' and meets at point 'U'.
U – V – W – X :	Line starts from point 'U', passes in South-West direction through point 'V-W' and meets at point 'X' on boundary of village Gandhigram and boundary of compartment number 330.
X – Y – Z – A :	Line starts from point 'X', passes in South-West direction through point 'Y' then passes in West direction through point 'Y-Z' in village Gandhigram and ends of point 'A' on the boundary of village Gandhigram.

Boundary Description :**(PART – II)**

A1-B1-C1 :	Line starts from point 'A1', in village Gandhigram passes along the mine boundary of Gandhigram Underground Mine in North-East direction, then passes through point 'B1' and meets at point 'C1'.
C1 –D1-E1 :	Line starts from point 'C1' passes in East direction through point 'D1', then passes in south direction and meets at point 'E1'.
E1 –F1-G1 :	Line starts from point 'E1', passes in West direction then turns in South-West direction passes through point 'F1' and meets at point 'G1'.
G1 –H1-I1-J1 :	Line starts from point 'G1', passes in South-West direction through Points 'H1' then passes along the South boundary of plot numbers 155, 156, 157 then passes through point 'I1' then passes in North direction along the outer boundary of plot numbers 157, 158 then passes through plot number 149 and meets at point 'J1'.
J1 –K1 :	Line starts from point 'J1', passes in West direction along the outer boundary of plot numbers 148, 147, 17, 18, 19, 10, 9, 8, 7 and meets at point 'K1' near plot number 6 on common village boundary of village Bhogaikhapa and village Gandhigram.
K1–L1-M1 :	Line starts from point 'K1', passes in South direction through village Bhogaikhapa through plot numbers 223/1, 221/2, 220/2, 219, 218, 215/2, 214, 244, 248 then passes through point 'L1' crosses the boundary of village Bhogaikhapa and meets at point 'M1' near Tawa Bridge in forest compartment number 328.
M1 –N1- O1:	Line starts from point 'M1', crosses the Tawa bridge, passes through point 'N1', then passes in South-West direction and meets at point 'O1'.
O1–P1- Q1 :	Line starts from point 'O1', passes in North-East direction, crosses the Tawa Bridge, passes through point 'P1' then passes through plot numbers 248, 247, 244, 213, 214, 215/2, 216 and meets at point 'Q1' in village Bhogaikhapa.
Q1 – R1 :	Line starts from point 'Q1', passes in North direction through plot numbers 220/2, 221/2, 222, 223/1 and meets at point 'R1' on common village boundary of village Gandhigram and village Bhogaikhapa.
R1 – S1-T1 :	Line starts from point 'R1', passes in East direction through plot numbers 6, 7, 8, 9, 10, 19, 18, 17, 147, then passes through point 'S1' and meets at point 'T1'.
T1 – A1 :	Line started from point 'T1', passes in North-East direction from revenue forest number 103, ends at starting point 'A1'.

[F. No. 43015/7/2020- LA&IR]

RAM SHIROMANI SAROJ, Dy. Secy.

**उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय
(खाद्य और सार्वजनिक वितरण विभाग)**

नई दिल्ली, 24 जुलाई, 2020

का.आ. 848.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजपत्र में अधिसूचित करती है:-

1. : भारतीय खाद्य निगम
मंडल कार्यालय, कण्णूर
(केरल क्षेत्र के अंतर्गत)
2. : भारतीय खाद्य निगम
मंडल कार्यालय, विशाखापट्टनम
(आंध्र प्रदेश क्षेत्र के अंतर्गत)
3. : भारतीय खाद्य निगम
मंडल कार्यालय, काकीनाडा
(आंध्र प्रदेश क्षेत्र के अंतर्गत)

[सं. ई-11011/1/2008-हिन्दी]

मुक्ता शेखर, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

New Delhi, the 24th July, 2020

S.O. 848.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution), whereof more than 80% of staff have acquired the working knowledge of Hindi:

1. : Food Corporation of India
Divisional Office, Kannur
(under Kerala Region)
2. : Food Corporation of India
Divisional Office, Vishakhapatnam
(under Andhra Pradesh Region)
3. : Food Corporation of India
Divisional Office, Kakinada
(under Andhra Pradesh Region)

[No. E-11011/1/2008-Hindi]

MUKTA SHEKHAR, Jt. Secy.

परमाणु ऊर्जा विभाग

मुंबई, 17 अगस्त, 2020

का. आ. 849.—सरकारी परिसर (अप्राधिकृत अधिभोगीयों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा दिनांक 26 मार्च 1996 के सा.आ. सं. 1146 के अंतर्गत प्रकाशित परमाणु ऊर्जा विभाग, भारत सरकार की अधिसूचना में आगे निम्नलिखित संशोधन करती है :-

उपरोक्त अधिसूचना में दी गयी सारणी के स्थान पर निम्नलिखित सारणी प्रतिस्थापित हो जाएगी, नामतः:-

सारणी

अधिकारी का पदनाम (1)	सरकारी परिसर (2)
अपर प्रबंधक (कार्मिक), यूरेनियम कार्पोरेशन ऑफ इंडिया लिमिटेड, डाकघर : जादुगुडा माइन्स, सिंहभूम (पूर्व), झारखंड - 832 102.	जिला : सिंहभूम (पूर्व), झारखंड में मोसबोनी, एमयूआरपी कॉलोनी सहित जादुगुडा माइन्स, बागजाता माइन्स और भाटिन माइन्स में यूरेनियम कार्पोरेशन ऑफ इंडिया लिमिटेड, का अथवा पट्टे पर लिया गया परिसर।

[फा. सं. पीएसयू-1008/5/2018-पीएसयू- डीईई/5686]

ए. आर. सुले, संयुक्त सचिव

नोट:- मूल अधिसूचना भारत के दिनांक 13 अप्रैल 1996 के राजपत्र के भाग - II, खंड 3, उपखंड (ii) में, दिनांक 26 मार्च 1996 के का.आ. सं. 1146 के अंतर्गत प्रकाशित की गयी थी एवं उसके बाद दिनांक 24 जून 1999 के का.आ. 1879, दिनांक 23 अप्रैल 2004 के का.आ. 1082, दिनांक 02 मई 2004 के का.आ. 1122 एवं दिनांक 10 जुलाई 2017 के का.आ. 2210 द्वारा संशोधित की गयी थी।

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 17th August, 2020

S.O. 849.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Department of Atomic Energy, published vide number S.O. 1146, dated the 26th March, 1996, namely :-

In the said notification, for the Table, the following Table shall be substituted namely:-

TABLE

Designation of the Officer (1)	Public Premises (2)
Additional Manager (Pers), Uranium Corporation of India Limited, Post: Jaduguda Mines, Singhbhum (East), Jharkhand -832 102.	Premises belonging to or taken on lease for the Uranium Corporation of India Limited at Jaduguda Mines, Bagjata Mines and Bhatin Mines including MURP, Mosaboni, District: Singhbhum (East), Jharkhand.

[F. No. PSU-1008/5/2018-PSU-DAE/5686]

A. R. SULE, Jt. Secy.

Note:- The principal notification was published in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 13th April, 1996 vide number S.O. 1146, dated 26th March, 1996 and subsequently amended vide numbers S.O. 1879, dated 24th June, 1999, S.O. 1082, dated 23rd April, 2004, S.O. 1122, dated 02nd May, 2009 and S.O.2210, dated 10th July 2017.

मुंबई, 17 अगस्त, 2020

का. आ. 850.—सरकारी परिसर (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा दिनांक 12 फरवरी 2005 के का. आ. सं. 470 के अंतर्गत प्रकाशित परमाणु ऊर्जा विभाग, भारत सरकार की अधिसूचना में आगे निम्नलिखित संशोधन करती है :-

उपरोक्त अधिसूचना में दी गयी सारणी के स्थान पर निम्नलिखित सारणी प्रतिस्थापित हो जाएगी, नामतः:-

सारणी

अधिकारी का पदनाम (1)	सरकारी परिसर (2)
सहायक प्रबंधक (कार्मिक), यूरेनियम कार्पोरेशन ऑफ इंडिया लिमिटेड, डाकघर : सुंदरनगर, सिंहभूम (पूर्व), झारखंड – 832 107.	तुरामडीह माइन्स, मोहुलडीह माइन्स और बांदुहुरंग माइन्स जिला : सिंहभूम (पूर्व), झारखंड में यूरेनियम कार्पोरेशन ऑफ इंडिया लिमिटेड के अथवा उसके लिए लीज पर लिये गये परिसर, तथा वे परिसर जो तुरामडीह परियोजना के प्रशासनिक नियंत्रण में हैं।

[फा. सं. पीएसयू-1008/5/2018-पीएसयू- डीएई/5687]

ए. आर. सुले, संयुक्त सचिव

नोट:- मूल अधिसूचना भारत के दिनांक 12 फरवरी 2005 के राजपत्र के भाग – II, खंड 3, उपखंड (ii) में, दिनांक 25 जनवरी 2005 के का.आ. 470 के अंतर्गत प्रकाशित की गयी थी एवं उसके बाद दिनांक 10 जुलाई 2017 के का.आ. सं. 2208 द्वारा संशोधित की गयी थी।

Mumbai, the 17th August, 2020

S.O. 850.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Department of Atomic Energy, published vide number S.O. 470, dated the 12th February, 2005, namely :-

In the said notification, for the Table, the following Table shall be substituted, namely:-

TABLE

Designation of the Officer (1)	Public Premises (2)
Additional Manager (Pers), Uranium Corporation of India Limited, Post: Sundernagar, Singhbhum (East), Jharkhand -832 107.	Premises belonging to or taken on lease for the Uranium Corporation of India Limited at Turamdih Mines, Mohuldih Mines and Banduhurang Mines, District : Singhbhum (East), Jharkhand.

[F. No. PSU-1008/5/2018-PSU-DAE/5687]

A.R. SULE, Jt. Secy.

Note:- The principal notification was published in the Gazette of India Part –II, Section 3, Sub-section (ii), dated the 12th February, 2005 vide number S.O. 470, dated the 25th January, 2005 and subsequently amended vide number S.O.2208, dated the 10th July, 2017.

मुंबई, 17 अगस्त, 2020

का. आ. 851.—सरकारी परिसर (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा भारत के दिनांक 26 फरवरी 1994 के राजपत्र के भाग – II, खंड 3, उपखंड (ii) में, दिनांक 03 दिसंबर 1993 के का.आ. सं. 588 के अंतर्गत प्रकाशित परमाणु ऊर्जा विभाग, भारत सरकार की अधिसूचना में आगे निम्नलिखित संशोधन करती है :-

उपरोक्त अधिसूचना में दी गयी सारणी के स्थान पर निम्नलिखित सारणी प्रतिस्थापित हो जाएगी, नामतः:-

सारणी

अधिकारी का पदनाम (1)	सरकारी परिसर (2)
उप प्रबंधक (पी एंड सीसी), यूरेनियम कार्पोरेशन ऑफ इंडिया लिमिटेड, डाकघर : नरवापहाड माइन्स, सिंहभूम (पूर्व), झारखंड – 832 011.	नरवापहाड माइन्स जिला : सिंहभूम (पूर्व), झारखंड में यूरेनियम कार्पोरेशन ऑफ इंडिया लिमिटेड के अथवा उसके लिये लीज पर लिये गये परिसर, तथा वे परिसर जो नरवापहाड परियोजना के प्रशासनिक नियंत्रण में हैं।

[फा. सं. पीएसयू-1008/5/2018-पीएसयू- डीएई/5688]

ए. आर. सुले, संयुक्त सचिव

नोट:- मूल अधिसूचना भारत के दिनांक 26 फरवरी 1994 के राजपत्र के भाग – II, खंड 3, उपखंड (ii) में, दिनांक 3 दिसंबर 1993 के का.आ. सं. 558 के अंतर्गत प्रकाशित की गयी थी एवं उसके बाद दिनांक 11 मई 1999 के का.आ. 1383, दिनांक 31 अक्टूबर 2003 के का.आ. 3195, 27 जून 2009 के का.आ. 1769 एवं 10 जुलाई 2017 के का.आ. 2209 द्वारा संशोधित की गयी थी।

Mumbai, the 17th August, 2020

S.O. 851.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Department of Atomic Energy, published in the Gazette of India, Part –II, Section 3, Sub-section (ii) dated 26th February, 1994, vide number S.O. 588 dated 03rd December, 1993, namely :-

In the said notification, for the Table, the following Table shall be substituted namely:-

TABLE

Designation of the Officer (1)	Public Premises (2)
Deputy Manager (P&CC), Uranium Corporation of India Limited, Post: Narwapahar Mines, Singhbhum (East), Jharkhand -832 111.	Premises belonging to or taken on lease for the Uranium Corporation of India Limited at PO : Narwapahar Mines District : Singhbhum (East), Jharkhand

F. No. PSU-1008/5/2018-PSU-DAE/5688]

A.R. SULE, Jt. Secy.

Note:- The principal notification was published in the Gazette of India Part –II, Section 3, Sub-section (ii), dated the 26th February, 1994 vide number S.O.588, dated the 3rd December, 1993 and subsequently amended vide number S.O.1383, dated the 11th May, 1999, S.O. 3195 dated the 31st October, 2003, S.O. 1769 dated the 27th June, 2009 and S.O. 2209, dated the 10th July, 2017.

मुंबई, 17 अगस्त, 2020

का. आ. 852.—सरकारी परिसर (अप्राधिकृत अधिभोगीयों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा दिनांक 07 जनवरी 2015 के का.आ. 182 के अंतर्गत प्रकाशित परमाणु ऊर्जा विभाग, भारत सरकार की अधिसूचना में निम्नलिखित संशोधन करती है :-

उपरोक्त अधिसूचना में दी गयी सारणी के स्थान पर निम्नलिखित सारणी प्रतिस्थापित हो जाएगी, नामतः:-

सारणी

अधिकारी का पदनाम (1)	सरकारी परिसर (2)
अपर प्रबंधक (कार्मिक), यूरेनियम कारपोरेशन ऑफ इंडिया लिमिटेड, एएमडी कैंपस के पास, पोस्ट : मोबुचिंथलापल्ली, विमुळा मंडल, कडप्पा जिला, आंध्रप्रदेश- 561 349	तुमल्लापल्ली आंध्रप्रदेश में यूरेनियम कारपोरेशन ऑफ इंडिया लिमिटेड से संबंधित अथवा पट्टे पर लिया गया परिसर जो तुमल्लापल्ली परियोजना के प्रशासनिक नियंत्रण में है।

[फा. सं. पीएसयू-1008/5/2018-पीएसयू- डीएई/5689]

ए. आर. सुले, संयुक्त सचिव

नोट:- मूल अधिसूचना भारत के दिनांक 31 जनवरी 2015 के राजपत्र के भाग – II, खंड 3, उपखंड (ii) में, दिनांक 07 जनवरी 2015 के का.आ. सं.182 के अंतर्गत प्रकाशित की गयी थी।

Mumbai, the 17th August, 2020

S.O. 852.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Department of Atomic Energy, published vide number S.O. 182, dated the 07th January, 2015, namely :-

In the said notification, for the Table, the following Table shall be substituted namely:-

TABLE

Designation of the Officer (1)	Public Premises (2)
Additional Manager (Pers), Uranium Corporation of India Limited, Tummalapalle Mines, Near AMD Campus, PO.: Mobbuchimtalapalle Vemula Mandal, District: Kadapa, Andhra Pradesh- 516 349	Premises belonging to or taken on lease for the Uranium Corporation of India Limited at Tummalapalle, Andhra Pradesh which are under the administrative control at Tummalapalle Mines.

[F. No. PSU-1008/5/2018-PSU-DAE/5689]

A.R. SULE, Jt. Secy.

Note:- The principal notification was published in the Gazette of India, Part –II, Section 3, Sub-section (ii), dated the 31st January, 2015 vide notification number S.O. 182, dated the 07th January, 2015.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 31 अगस्त, 2020

का. आ. 853.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ सं. 47/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 31.08.2020 को प्राप्त हुआ था।

[सं. एल-12012/80/2016-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 31st August, 2020

S. O. 853.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Indian Bank and their workmen, received by the Central Government on 31.08.2020.

[No. L-12012/80/2016-IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
CHENNAI****ID No. 47/2016****Present:** DIPTI MOHAPATRA, LL.M. PRESIDING OFFICER

Date: 04.08.2020

The General Secretary
Indian Bank Employees Union
No. 6, Moore Street
Mannady
Chennai-600001

... 1st Party/Petitioner Union**AND**

The Zonal Manager
Indian Bank, Zonal Office
1/17, 2nd Floor, GRR Building
New Bus Stand, STC road
P.K. Nagar, Perumalpuram
Tirunelveli-627007

... 2nd Party/Management**Appearance:**For the 1st Party/Petitioner Union : Authorized Representative Sri J. SureshFor the 2nd Party/Management : Advocates, M/s. T.S. Gopalan & Co.**AWARD**

The Central Government, Ministry of Labour & Employment vide its Order No. L-12012/80/2016-IR (B.II) dtd. 19.12.2016 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the Management of Indian Bank, Zonal Office, Tirunelveli in imposing the Punishment of “Reduction of pay by one stage with cumulative effect upon Sri K.C. Subbiah, SR No. 16207, Clerk, Alangulam Branch w.e.f. 04.02.2008 as claimed by Indian Bank Employees Union is legal and justified? If not, to what relief, the Union / workman is entitled to?”

2. On receipt of the above reference from the appropriate Government, the same is registered as ID No. 47/2016. The First Party, Indian Bank Employees Union while files its Claim Statement, the Respondent entered appearance and filed Counter Statement denying the claim of the petitioner.

3. The Petitioner Union through the General Secretary espouses the cause of the Petitioner, that the petitioner Sri KC Subbiah while serving as Clerk/Shroff at Sankarankovil Branch, was placed under suspension on 04.05.2000 on some allegation. Accordingly a Departmental Enquiry was initiated by the Competent Authority, the Zonal Manager, Indian Bank, Zonal Office, Trichy. The Petitioner was charge-sheeted for a number of charges such as to have gained monetary advantage by deceiving the Bank, caused misuse of loan facility granted to the Borrower and in connivance with the Branch Manager who resorted to unfair practice of Window Dressing. While all the charges could not be established except Charge No. 3 i.e. the Petitioner failed to inform the higher authorities regarding the unfair practice of resorting to Window Dressing by the then Branch Manager and thereby the act of the Petitioner was prejudicial to the interests of the Bank, amounting to gross misconduct. The Disciplinary Authority imposed punishment on the petitioner by reducing the pay by one stage with cumulative effect and the period of suspension was treated as such. The Petitioner claims the punishment imposed on him is not proper, justified and liable to be set aside.

4. The Respondent entered appearance by filing its Counter Statement challenging the maintainability of the case. The main plank of contention is that it is beyond jurisdiction of the Industrial Tribunal when the punishment is other than dismissal or discharge from service. The Tribunal cannot invoke the provisions of ID Act in such area hence the ID case is liable for dismissal. It is further averred that the Respondent is a Nationalized Bank having several branches throughout the country including the Branch at South Car Street, Sankarankovil, Tirunelveli Distt., Tamil Nadu. It mobilizes deposits and makes advances and earns interest and also pays interest on deposits. In order to make branch operations commercially viable, monthly targets for deposits and advances are fixed well in advance so as to ensure time and services of the personnel to derive optimum marginal profit. But it is noticed some Bank Officers and Staff camouflaged the real position by their deceitful presentation of the deposits in advance which is popularly called "*Window Dressing*" and such practice of "*Window Dressing*" is always seriously viewed by the Bank authorities as it is prejudicial to the interests of the Bank. The Learned Counsel on behalf of the Respondent's Bank highlighted the averments in Para-10 of the Counter Statement that the Corporate Office of the Respondent Bank had periodically issued circulars including Circular dtd. 13.03.2013 advising the branches not to resort to such "*Window Dressing*".

5. Attention was drawn on Para-11 of the Counter Statement that the petitioner was working at Sankarankovil Branch from 26.08.1991 to 03.05.2000. During his incumbency, the unfair practice resorting to Window Dressing was practiced by the then Branch Manager, N. Mathurappa Murthy in connivance with the Petitioner. The Branch Manager, Sri Murthy was accordingly imposed with punishment of Compulsory Retirement on an established charge of misappropriation of various irregularities including the Window Dressing. The admitted undisputed fact remains that initially the petitioner was charge-sheeted for causing misappropriation in connivance with the then Branch Manager with regard to the sanctioned loan amount of Rs. 15,000/- in favour of one M/s Mahesh Readymades, Sankarankovil. Out of the sanctioned loan amount while only Rs. 4,000/- was paid to the Borrower, the rest amount of Rs. 11,000/- was encashed in favour of the petitioner as well as the Branch Manager as Rs. 10,000/- and Rs. 1,000/- respectively. However, this charge could not be established against the Petitioner due to lack of evidence. But the charge against the Petitioner that he failed to bring to notice of the higher authorities regarding the fact of Window Dressing resorted by Sri Murthy, the then Branch Manager was established with sufficient proof. Thus, the punishment imposed vide order dtd. 04.02.2008 is justified and proper.

6. Both the parties in support of their pleadings advanced their respective arguments. Besides, the Petitioner himself was examined as WW1 and produces documents from Ext.W1 to Ext. W38. The Respondent though chose not to adduce oral evidence through any witness relied on only one document marked as Ext.M1. In support of the Claim Statement the Petitioner deposed evidence.

In view of the pleadings of the parties now it is to be seen if the action of the Disciplinary Authority in imposing the punishment vide order dtd. 04.02.2008 is justified, proper and legal. The undisputed admitted fact remains that while the Petitioner was working in Sankarankovil Branch, placed under suspension on various allegations in contemplation of departmental proceeding / enquiry. Admittedly, only one charge was established against the Petitioner that even though he was fully aware of the unfair practice of Window Dressing resorted to by the then Branch Manager and thereby caused monetary loss to the Bank, the Petitioner failed to bring it to the notice of the higher authorities. At the outset, the Authorized Representative on behalf of the Petitioner advances his arguments that the punishment imposed on the Petitioner is harsh, disproportionate to the gravity of the charge.

7. The Learned Counsel for the Respondent advances per contra argument that the ID Act cannot be invoked where the punishment imposed by the Disciplinary Authority is not one of dismissal or discharge. The imposition of "Reduction of scale of pay by one stage with cumulative effect" is not a major punishment and thus is not harsh. The judicial verdict propounded by the *Hon'ble High Court of Madras in the case of Zonal Manager, Bank of India, Chennai Vs. The General Secretary, Bank of India Staff Union, Chennai and Others in WP 10214/2001 dtd. 08.06.2010* is pressed into service. It has been held by their Lordships that when the punishment was not one of dismissal or discharge of workman, the Tribunal cannot invoke its power under Section-11A of the Industrial Disputes Act. The similar view has been endorsed by the *Hon'ble High Court of Judicature, Kerala in the case of Federal Bank Ltd. Vs. General Secretary, Federal Bank Staff Union in WP (C) No. 36059 of 2005 dtd. 13.03.2006* wherein it has been held that the Labour Court does not have jurisdiction to interfere with the punishment imposed on a Workman under Section-11A of the Act except in cases of dismissal or discharge. As such, in view of the observations made by the Hon'ble Courts, this Tribunal has hardly any scope to interfere with the punishment imposed by the Disciplinary Authority which is not a punishment of dismissal or discharge. Besides, on a thorough perusal of the documents on record, it reveals the Petitioner was given sufficient opportunity to defend his case through the Authorized Representative. It reveals that he has participated in the hearing and also availed the opportunity of personal hearing provided by the Disciplinary Authority. However, the order dtd. 04.02.2008 of the Disciplinary Authority was challenged before the Appellate Authority, the General Manager, Indian Bank, Chennai. On a careful examination of the relevant documents on record, the Appellate Authority being fully satisfied with the findings of the Disciplinary Authority upheld the order dtd. 04.02.2008 by confirming the same vide his dtd. 10.06.2008 (Ext.M1). At the outset, it is also highlighted on behalf of the Respondent that the Petitioner retired on superannuation by reaching the maximum scale and received the stagnation increments. Such matter of fact stands undisputed not being challenged by the Petitioner. As such, in view of the discussion held in the preceding paragraphs and on a meticulous scrutiny and perusal of all available documents on record, it is held that the imposition of punishment by the Disciplinary Authority vide his order dtd. 04.02.2008 is justified and proper, hence needs no interference.

In the result the Petitioner is not entitled to any relief as sought for.

The reference is answered against the Petitioner.

An Award is passed accordingly.

Dictated and transcribed by PA and corrected and pronounced in the open court on this day the 04.08.2020.

DIPTI MOHAPATRA, Presiding Officer

Witnesses Examined :

For the 1st Party/Petitioner : WW1, Sri K.C.Subbaih

For the 2nd Party/Respondent : NIL

Documents Marked:-

On the petitioners side

Ex.No.	Date	Description
Ex.W1	04.05.2000	Show Cause Notice
Ex.W2	03.06.2000	Reply to the Show Cause Notice
Ex.W3	13.07.2000	Charge Sheet
Ex.W4	-	Proceedings of the departmental enquiry
Ex.W5	-	Loan Application
Ex.W6	-	Vouchers relating to the above loan
Ex.W7	10.04.2000	Investigation report of Mr.P.S.Kajamohideen.
Ex.W8	12.12.1999	Letter of Mr.R.Veeraputhiran
Ex.W9	-	Vouchers

Ex.W10	26.03.1997	Cheque No.162808 dated 26.03.1997
Ex.W11	31.01.1998	Quotation by Mahesh Readymade.
Ex.W12	25.03.1997	Quotation by Mahesh Readymade.
Ex.W13	-	Investigation report of Mr.S.Sivagaminathan
Ex.W14	05.03.1999	Branch Letter
Ex.W15	-	Attendance Registers
Ex.W16	07.02.2002	Enquiry officer's findings
Ex.W17	March 2002	Comments on Enquiry Officer's finding
Ex.W18	28.10.2003	Letter of Circle Office, Tirunelveli
Ex.W19	28.10.2003	Second Show Cause Notice
Ex.W20	-	Corrigendum to the above show cause notice
Ex.W21	10.11.2003	Letter of Mr. K.C. Subbiah
Ex.W22	18.11.2003	Letter of Circle Office, Tirunelveli
Ex.W23	19.11.2003	Letter of Mr.K.C.Subbiah
Ex.W24	24.11.2003	Letter of Mr.K.C.Subbiah
Ex.W25	27.01.2004	Letter of Circle Office, Tirunelveli
Ex.W26	30.01.2004	Letter of Mr.Subbiah
Ex.W27	03.02.2004	Reply of K.C.Subbiah
Ex.W28	04.02.2004	Letter of Circle Office, Tirunelveli
Ex.W29	13.02.2004	Reply of K.C.Subbiah
Ex.W30	02.02.2007	Second Charge Sheet
Ex.W31	14.11.2007	Order of Hon'ble High court of Madras in W.P.No.31399/2003
Ex.W32	29.12.2007	Proposal of punishment for the charge sheet dated 13.07.2000
Ex.W33	05.01.2008	Reply to the above shoe cause notice
Ex.W34	04.02.2008	Speaking orders of the Disciplinary Authority in the first charge sheet.
Ex.W35	11.02.2008	Corrigendum in the speaking orders
Ex.W36	11.02.2008	Posting order by HO/HRM dept.
Ex.W37	04.12.2013	Findings of the Enquiry Officer in the enquiry conducted in the second charge sheet.
Ex.W38	14.08.2014	Speaking orders of the concurrent Disciplinary Authority in the second charge sheet.

Documents Marked:**On the Respondent side**

Ex. No.	Date	Description
Ex.M1	10.06.2008	Order of the Appellate Authority confirming the punishment imposed by the Asst. General Manager/disciplinary Authority, Tirunelveli.

नई दिल्ली, 17 सितम्बर, 2020

का. आ. 854.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या 80/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.09.2020 को प्राप्त हुआ था।

[सं. एल-20012/750/1997-आईआर (सीएम-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 17th September, 2020

S.O. 854.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 80 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 12.09.2020.

[No. L-20012/750/1997-IR(CM-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD****PRESENT:** Dr. S.K.Thakur, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D.Act., 1947.

REFERENCE NO 80 OF 2001**PARTIES:**

The Secretary,
Bihar Colliery Kamgar Union,
Hirapur, Dhanbad
Jharkhand.

Vs.

The Dy. Chief Mining Officer,
Gopalichak Colliery,
P.B. Area of M/s. BCCL,
PO: Kusunda, Distt; Dhanbad .

Order No. L-20012/750/97.IR (C-I) dt.15.03.2001**APPEARANCES :**

On behalf of the workman/Union : Mr. D.Mukherjee, Ld. Advocate

On behalf of the Management : Mr. D.K.Verma. Ld. Advocate

State : Jharkhand**Industry : Coal**

Dated, Dhanbad, the 23rd March, 2020

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their **Order No. L-20012/750/97.IR (C-I) dt.15.03.2001.**

SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union to regularize Manoj Kumar Sen & 24 others as per the list by the Management of P.B. Area of M/s. BCCL is legal and justified? If so, to what reliefs are these workmen entitled?”

On receipt of the **Order No. L-20012/750/97.IR (C-I) dt.15.03.2001** of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 80 of 2001 on Sl. No.1 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal on the date fixed and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Post were sent to the parties concerned.

2. Upon registration of the Industrial Dispute case Sponsoring Union /Bihar Colliery Kamgar Union, Hirapur (BCKU), Dhanbad filed the Written Statement of Claim on 04.04.2003 and copy exchanged with the O.P./Management. The brief facts as narrated by the Union are as described below:

- (a) That Sri Manoj Kumar Sen & 24 others concerned workmen had been working as permanent Under Ground workmen in permanent capacity since long.
- (b) The nature of job in Underground Mines put in by the workman concerned continuously were of perennial and prohibited category under the direct supervision and control of the Management.
- (c) That the nature of the work as described such as stone cutting, coal cutting, drilling as the workman legally bound to work underground work under direction and control of the Supervision of the Management.
- (d) That for all purposes the workmen will be covered up under permanent status but Management was making payments below the Wage Board Recommendations and NCWAs.
- (d) So far equipments and tools were regularly provided by the Management to produce goods for the Management during the enforcement of Wage Board Recommendation which had statutory status.
- (e) So the workmen concerned insisted upon demanding their wages from the O.P./Management as per Wage Board Recommendations and also NCWA but to no effect.
- (f) The relentless insistence for wages at par with Wage board Recommendations / NCWA, the O.P./Management threatened to stop service of some of the workmen and started to terminate them.
- (g) Later on the matter referred for conciliation which resulted in birth of the Industrial Dispute as Reference.
- (h) Therefore, demand for regularization of Sri Manoj Kumar Sen & 24 others is legal and justified as the action of the O.P./Management in not paying their wages as per Wage Board Recommendation and NCWA is illegal, arbitrary and unjustified.
- (h) So they want to be regularized as permanent workers of the Gopalichak Colliery of M/s. B.C.C.L., Dhanbad with all arrears of wages and consequential benefits with retrospective date.

3. In contrary to the written statement of claim the Opposite Party /Management defended the case by filing the Written Statement–cum-Rejoinder on their behalf on 29.09.2003 the copy of same was exchanged with each other, which narrated the fact as follows:

- (a) Contrary to it O.P./Management put the question mark over alleged relationship between the Management and workmen concerned under the said Reference.
- (b) The case sponsored by the Union about regularization of the twenty-five workmen is nothing but an eye to grab the employment through back door.
- (c) During the course of conciliation they were unable to show authenticity to prove that the persons concerned were actually employed by the Management.
- (d) Whatever materials on record during the conciliation proceedings, the Ministry had of the opinion that no Industrial Dispute is made out and declined to refer the issue for adjudication.

- (e) The Central Government, Ministry of Labour, India had initially declined to refer the present Industrial dispute for adjudication.
- (f) That the Hon'ble High Court, Patna, Ranchi in CWJC No. 958/99(R) passed an order for Reference of the present Industrial Dispute for adjudication by the Industrial Tribunal and so is the present dispute referred by the Ministry of Labour, Government of India,

4. Management further in its rejoinder reaffirmed to its stand holding justification of non-regularization of the workmen concerned is just and proper with para-wise rebuttal of the all the points raised by the workmen in their written Statement of Claim. It also mentioned that the Hon'ble Supreme Court in various orders has opined that no backdoor entry is permissible in Public Sector Undertaking. So long as rejoinder on behalf the sponsoring Union, there was denials of mostly all the points raised in the Written Statement by the O.P./Management without any authentic documentary evidence in support of their claim.

5. In course of the proceedings of the trial, the sittings and adjournments granted as revealed to have held on different grounds on dates like 12.03.2002, 27.06.2002, 12.11.2002, 04.04.2013, 12.08.2003, 15.09.2003, 29.09.2003, 08.12.2003, 25.05.2004, 31.05.2004, 02.08.2004, 01.11.2004, 24.01.2005, 30.03.2005, 13.05.2005, 14.07.2005, 12.01.2006, 23.05.2006 and 19.09.2006. The case remained unattended from last hearing on 19.09.2006 to 2018. Even no representation / reply from either side is available on record during the above period. It was proceeded again from May, 2019 by hearing on 19.06.2019, 04.12.2019 and finally on 22.01.2020 on merits apart from steps being taken by Regd. Notices dated 19.10.2001, 02.03.2004, 24.05.2019, 13.11.2019 and 27.12.2019. Apparently there is no less than altogether nineteen sitting held during the entire course of the trial besides once the case was placed before Lok Adalat for settlement on 31.05.2005 but failed due to non presence from the workmen/Union side.

6. So far Notices/Summons that Notices dt. 12.03.2002, 16.09.2002, and fresh summons on dt. 28.05.2019, 15.11.2019 and 31.12.2019 were served on the address of the Sponsoring Union/workman on the address referred on back side of the Order of the Reference but neither workmen nor his Representative took initiative to appear and represent the case in response to the fresh summons. So it appears that the Union is uninterested in the Industrial Dispute.

7. The Industrial Dispute Case was fixed on 22.01.2020 over stage of evidence on the part of the Union /workmen and hanging in balance since 14.07.2005 on merit. Mr. D.K.Verma Ld. Advocate from O.P./Management was present, but neither the Representative of the Union/nor workmen was reported present. The fact transpires that this was third consecutive dates when the workman and Union Representative failed to appear in the second spell of hearing in the year 2019. Since the posture of the Sponsoring Union /workman had remained a mix of denials and indifference, the Tribunal does not find scope to proceed further specifically when unwillingness comes from the Union/workmen who raised the Industrial Dispute but do not have interest to contest further on merit even after ample opportunity provided to him.

8.. Under this circumstance and facts surfaced there is no point in continuation of the Industrial Dispute for unlimited period due to repeated absences and unwillingness on their part who raised the Industrial Dispute. So it appears there is no longer merit in the case to be adjudicated as the case is perceived to have been lost in uninterestedness. Apparently no relief needs to be granted by the O.P./Management in this case. The I.D Reference case is disposed of diluting the issue raised.

9. Therefore, the Award is passed that the workmen no longer need relief from the Management to be granted in this subject matter. The Industrial Dispute Reference Case is being hereby disposed of with the view that no relief specifically needs be granted by the O.P./Management for the workman in this case.

Dr. S. K.THAKUR, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का. आ. 855.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या 184/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.09.2020 को प्राप्त हुआ था।

[सं. एल-20012/250/1997-आईआर (सीएम-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 17th September, 2020

S.O. 855.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 184 of 1998) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 12.09.2020.

[No. L-20012/250/1997-IR(CM-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Dr.S.K.Thakur, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D.Act., 1947

REFERENCE NO 184 OF 1998

PARTIES:

The Secretary,
Janta Mazdoor Sangh
Bararee Colliery, Branch,
Dhanbad.

Vs.

The Project Officer,
Bararee Colliery of M/s. BCCL,
PO: Bhulanbararee, Distt: Dhanbad.

Order No. L-20012/250/97-IR(C-I) Dated 27.08.1998

APPEARANCES :

On behalf of the workman/Union : Mr. B.B. Pandey, Ld. Advocate
On behalf of the Management : Mr D.K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 03 January, 2020

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-20012/250/97-IR(C-I) Dated 27.08.1998.**

SCHEDULE

“Whether the action of the Management of Bararee Colliery of M/s. BCCL in denial to regularize Sri Raj Kumar Sharma as Clerk is justified? If not, to what relief the concerned workman is entitled?”

On receipt of the. Order No. **L-20012/250/97-IR(C-I) Dated 27.08.1998** reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 184 of 1998 on 23.09.98 in this Tribunal and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal on the date fixed and to file their written statements along with the relevant documents. In pursuance of the said order notices by the Registered Post were sent to the parties concerned.

2. Upon opening of the case the Sponsoring Union/workmen on 23.07.1999 filed the Written Statement of Claim on its behalf won 23.07.1999 with exchanging copy of the claim with the Opposition Party/Management .The brief fact as narrated in the its W/S is as follows::

- (a) That the workman concerned Shri Raj Kumar Sharam, was a permanent employee of Bararee Colliery under M/s B.C.C.L. .He had been as P.F. Clerk since June, 1992.
- (b) Prior to it, he had been working as Electric Helper having his designation as Electric Helper and getting the wages etc for the said job related to his such designation .But thereafter, his nature of job and responsibility had been changed.
- (c) Notably, neither designation of the workman had been changed nor had differentiated amount of wages and allied consequential benefits between the two other jobs had been paid, though several representation to this effect was made to the Management but to no avail .
- (d) Thus the Management deprived him of his rightful claims and benefits .Being aggrieved by the such move, the workman took up the matter for conciliation process whereupon failure of conciliation process resulted in birth of Industrial Dispute Case.
- (e) He also contended that he had been uninterruptedly working as P.F. Clerk since June, 1992 and whenever Management tried to discontinue his service under one pretext or other such nefarious design of act have been foiled at intervention of the Competent Authority .
- (f) That the concerned workman has been working as P.F. Clerk against permanent post/vacancy, and his work had been quite satisfactory and regular to this job. So the workman concerned seeks to let him regularized as P.F. Clerk since June, 1992 with all consequential benefits as deemed fit and proper as prayer made in his Written Statement of Claim under acknowledgment of the O.P./Management side.
- (g) So the action of the Management of Bararee Colliery of M/s BCCL ,Dhanbad in denial to regularize the workman concerned is unlawful rather he is entitled for regularization as clerk since June,1992 with all consequential benefits.

3. Whereas the O.P. / Management by filing their Written Statement –cum- Rejoinder on 03.11.1999 by serving a copy of the said statement to the Sponsoring Union stated the factual position that:

- (a) The workman concerned was appointed as Electrical Helper. He had been working as Electrical Helper .But sometime in the year 1992 the workman concerned was allowed to work as clerk in the office just for a shorter period.
- (b) As per the circular circulated by the Director (Personnel), of M/s BCCL all such employees who were diverted from their original work was reverted to original job. Accordingly the workman concerned along with others was reverted back to the original job they held earlier
- (c) So far the appointment and selection of any person in Clerical Cadre is concerned it is to be done in accordance with the Cadre Scheme of the Company providing equal opportunity to all eligible employees and wider perspective way. The workman concerned never worked continuously to the post of clerk.
- (d) The Management /O.P.'s submission is that regularization of the workman to the post of Clerk will be in contravention of the provisions of Cadre Scheme .As such the demand of the Union is not at all justified and legal.

4. Though Sponsoring Union also filed rejoinder reiterating its earlier stand with categorically denying all the points raised by the Management /Opposition Party with relevant papers in support of its claim .Similarly, the Management also filed rejoinder with para-wise rebuttals to all the points mentioned in the Written Statement of Claim by the Union and renewing its stand as justified as the workman concerned is not entitled to any relief whatsoever.

5. Altogether sittings in course of hearing appeared to have held on 30/31/01.2002, 17.04.2002, 03.07.2002, 10.11.2002, 10/17.07.2003, 30.12.2003, 19.03.2004, 10.06.2004, 08.12.2004, 15.06.2005, 20.12.2005, 26.04.2006, 09.06.2006, 27.09.2006, 09.05.2019 and 03.12.2019 apart from adjournments for stepping granted on dt.23.07.1999, 03.11.1999, 24.1.2000, 14.05.2000, 8.06.2001, 10.08.2001, 15.11.2001/19.11.2001, 30/31 and 16.04.2019.The case remained pending for finalization due to non-adducing evidence on part of workman since 10.06.2004 although the case originated on 27.08.1998

6. Formal Notices/Summons dt. 11.02.2002, 31.05.2001 and fresh summons dt. 18.04.2019 & 18.11.2019 were sent on the addresses of the Sponsoring Union on the address referred on the order of Reference but neither the workman nor his Representative took efforts to appear or represent to the Notices dt. 18.04.2019 and

18.11.2019. The Notices were also sent to the Sponsoring Union on the address as referred in the Order of the reference.

7. Finally the Industrial Dispute Case was fixed on 03.12.2019 over the stage of evidence of the workman, an onus on the part of the workman /Sponsoring union since long to adduce the workman's witness. Mr. D.K.Verma Ld. Advocate for the Management was present on date, but none form from Sponsoring Union/workman (petitioner). The case arrived the status of evidence of workman on merit, it halted and there was no scope to continue the proceedings in the absence of the Representation of the union/workman without offering any cogent reasons .

8. In view of the above facts and materials on record, I do not find scope to continue with this case further for adjudication as the Sponsoring Union/Workman who raised the dispute do not seem to be interested to proceed further for adjudication even after arriving evidence stage .Thus it appears there is no longer merit in the case particularly when the Sponsoring Union/workman appears reluctant. As such no grievance remains to be explicitly addressed by the O.P./Management. The I.D Reference case is disposed of presuming no grievance to exist. For the end of justice, it will not be fair and proper to drag this case for unlimited period for adjudication.

9. Accordingly, the Award is passed as no relief to be granted in this case matter and the Industrial Dispute Reference Case is being hereby disposed of with consideration that no relief explicitly remained to be addressed by the O.P./Management for the workman in this case.

DR. S. K. THAKUR, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का. आ. 856.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या 138/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.9.2020 को प्राप्त हुआ था।

[सं. एल-20012/351/1995-आईआर (सीएम-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 17th September, 2020

S.O. 856.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 138 of 1996) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 12.09.2020.

[No. L-20012/351/1995-IR(CM-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT: Dr. S. K. Thakur, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

REFERENCE NO 138 OF 1996

PARTIES:

Cashier,
Rashtriya Colliery Mazdoor Sangh.,
Rajendra Path, Dhanbad.

Vs.

The General Manager,
Sudamdih Area of M/s. B.C.C.L..
PO: Sudamdih,Dhanbad.

Order No. L-20012(351/95-IR (Coal-I) dt.20.11.1995**APPEARANCES :**

On behalf of the workman/Union : : Mr. N.G. Arun, Union Representative

On behalf of the Management : : Mr. D. K.Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 20th March, 2020

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their **Order No. L-20012(351/95-IR (Coal-I) dt.20.11.1995.**

SCHEDULE

Whether the action of the Management in not promoting Shri Fulchand Rewani and Ratan Napit in Clerical Grade-II w.e.f. 1.03.1984 is justified? If not, to what relief are the concerned workmen entitled.

On receipt of the Order No. **L-20012(351)/95-IR(Coal-I) dt.20.11.1995** of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute it was registered as Reference case No. 138 of 1996 on 31.12.1996 and accordingly an order to that effect was passed to issue notices through the Registered Post to the litigant parties concerned, directing them to appear before the Tribunal on the date fixed and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Post were sent to the parties concerned.

2. Consequent upon filing the Written Statement of Claim by the Sponsoring Union /workmen on their behalf on 05.03.1997 the Union briefed the factum as narrated below:

- (a) That workman concerned Fulchand Rewani and Ratan Napit were both permanent employees of Sudamdih Incline Mine of M/s B.C.C.L., Dhanbad since 1967 as Miscellaneous Mazdoor in Time Rated Category-II.
- (b) The other four concerned workmen working with two workmen were upgraded in Clerical Grade II with retrospective effect dt.01.03.1984 but the two workmen concerned were left out.
- (c) After taking up the matter with the Management both the workmen concerned Fulchand Rewani and Ratan Napit were upgraded from Clerical Grade III to Clerical Grade II with effect from 13.08.1991 whereas the demand of the Union the upgradation should have been made from 01.03.1984 as has been done in the case of four the four other co-worker.
- (d) So the action of the Management is discriminatory and arbitrary as this action had caused the workmen monetary loss of earning every month as well as Seniority as both the workers had been performing duties in Cap Lamp since 1967.
- (e) That the demand of the Sponsoring Union is that the Management be directed to upgrade/promote Shri Fulchand Rewani and Shri Ratan Napit in Clerical Grade II with effect from 01.03.1984 with difference of wages till they are regularized.

3. Contrary to it, the Management pleaded the facts as briefed in its written Statement dated 02.01.1998 as counter reply against the said claims as filed with following counters:

- (a) That the workmen concerned had been working in Category I in the year 1967 and subsequently designated as miscellaneous Mazdoors in Category-II and working as Lamp Cleaner.
- (b) Thereafter the workmen concerned started working as Lamp Issuer and were regularized as Grade -III Clerk in the year 1979 along with some other workmen.

- (c) Thereafter other workmen were transferred and posted at Old Incline Mine of M/s BCCL, Dhanbad to work as M.T.K./Attendance Clerk.
- (d) The job nature of the M.T.K. and Attendance Clerk is different from that of the Lamp Issuer.
- (e) That as per the Wage Board Recommendation, the Lamp issuer is entitled to get the wages of Clerical Gr.III, contrary to the fact the M.T.K./Attendance clerk are entitled to get the wages of Clerical Grade-II
- (f) That other persons namely S/Shri P.N.Sheel,K.D.Singh,Ram NaginaYadav and Hari Ram are working as Attendance clerk during the enforcement of NCWA-III and they were entitled to be regularized in Clerical Grade-II .so their services had been regularized in Clerical Grade II in the year 1984.So far as two workmen concerned they were promoted in Clerical Grade II in the year 1991.
- (g) The Sponsoring Union raised the Industrial Dispute after a long delay in the year 1994 .So the Reference is not maintainable
- (h) That there is no merit in the case of the Union and the action of the Management in not promoting S/Shri Fulchand Rewani and Rattan Napit in Clerical Grade-II w.e.f. 101.03.1984 is justified.

4. The Sponsoring Union also filed rejoinder reaffirming the stand with categorically denying all the points raised by the Management /Opposition Party with relevant papers (Exhibited) in support of its claim. Similarly, Management also filed rejoinder with point-wise rebuttals to all the points mentioned in the Written Statement of Claim defending its stand proper and justified as the workman concerned is not entitled to any relief whatsoever.

5. In course of hearing of the trial of the case several sittings appear to have been held on 27.01.1998, 16.12.98, 14.06.2001, 17.07.2001, 06.09.2001, 22.11.2001, 26.02.2002, 28.02.2002, 01.05.2002, 23.07.2002, 03.04.2003, 20.08.2003, 05.12.2003, 19.02.2004, 29.06.2004, 19.10.2004, 31.08.2005, 08.02.2006, 10.05.2006, 01.06.2006, 13.09.2006, 28.02.2014, 12.05.2014, 10.09.2014, 19.12.2014, 06.05.2015, 29.06.2015, 17.08.2015, 29.09.2015, 01.12.2015, 05.04.2016, 03.05.2016, 07.05.2019 and 22.01.2020 apart from stepping was initiated on different dates viz. 31.12.1996, 05.03.1997, 02.01.1998, 27.01.1998, 09.03.1998, 01.04.1998, 17.05.1998, 21.07.1998, 05.10.1998, 03.11.1998, 25.11.1998, 01.07.1999, 17.03.1999, 31.03.1999, 07.05.1999, 07.07.1999, 01.09.1999, 05.10.1999, 20.12.1999, 20.04.2001, 09.08.2001, 13.09.2016, 16.04.2019, 03.01.2020, and 02/03.01.2020 The case stayed hovering over evidence of the Management on merit since 29.06.2004. Factually the case originated in the year 1995 covering near about twenty years with no progress since then.

6. As part of the natural justice Notices/Summons dt18.05.2001, 17.07.2001, 06.09.2001, 28.02.2002, 10.04.2014, 02.05.2015, with fresh summons 18.04.2019, and 11.01.2020 besides one show Cause Notice were served to the parties under Reference on the addresses of the Sponsoring Union on the address referred on the order of Reference but neither the workman nor his Representative took efforts to appear or represent to the Notices dt 10.01.2020 barring the date on 07.05.2019.Considering the age of the Reference case it is stale one belonging to the period of November, 1995

7. Apparently the Industrial Dispute Case was set on 23.01.2020 finally over the stage of evidence of on the part of the Management /O.P. for adducing hearing .Mr. D.K.Verma Ld. Advocate for the Management was present on date, but none from Sponsoring Union /workman (petitioner). The materials on case record reveals that workman side failed to appear since the year 2006 except on 07.05.2019 in response to the Notice dt. 18.04.2019. The Ld. Representative from the workman side appeared and made casual approach by stating he was not aware of whereabouts of the workman concerned. It shows to total unwillingness on the part of workman side to take it to finality over adjudication without offering any cogent reasons . In the state of reluctance from Union /workmen it is of no purpose to put for dates only. The Tribunal does not find scope to proceed further in the state of unwillingness of the Sponsoring Union/workmen.

8. On careful consideration of submission of both sides and perusal of materials on record, I do not find scope to continue with this case further for adjudication as the Sponsoring Union/Workman who raised the dispute show unwillingness to proceed further for adjudication even after arriving evidence stage .Thus it appears there is no longer merit in the case particularly when the Sponsoring Union/workman appears reluctant. Apparently no relief needs to be granted by the O.P./Management. The I.D Reference case is disposed of presuming no grievance to exist. For the end of justice, it will not be fair and proper to drag this case for unlimited period for adjudication.

9. Accordingly, the Award is passed as the workmen need not seek any relief from the Management to be granted in this case matter. And the Industrial Dispute Reference Case is being hereby disposed of with the opinion that no relief specifically needs be granted by the O.P./Management for the workman in this case.

DR. S.K.THAKUR, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का. आ. 857.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या 130/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.09.2020 को प्राप्त हुआ था।

[सं. एल-20012/155/1997-आईआर (सीएम-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 17th September, 2020

S.O. 857.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 130 of 1998) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 12.09.2020.

[No. L-20012/155/1997-IR(CM-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Dr. S. K.Thakur, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D.Act., 1947

REFERENCE NO 130 OF 1998

PARTIES:

Sri John Babu,
Secretary,
NCOEA,
KSP Branch
PO: Bokaro Thermal,
Distt: Dhanbad.

Vs.

The Project Officer,
Karo Special Project, CCL
PO: Bokaro Thermal
Dhanbad-826001.

Order No. L-20012/155/97-IR(C-I) dt.22.04.1998

APPEARANCES :

On behalf of the workman/Union : Mr. K. Chakraborty. Ld. Advocate

On behalf of the Management : Mr. D. K.Verma. Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 20th March, 2020

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/155/97-IR(C-I) dt.22.04.1998.

SCHEDULE

“Whether the action of the Management of Karo Special Project of CCL P.O. Bokaro Thermal, Distt; Bokaro in not fixing wages of S/Shri Saryu Nayak and 14 others (as per list given below) in the scale of Time Rated Category-I Mazdoor after protecting the Groups-IV Wages already being paid to them is justified? If not, to what relief the workmen are entitled?”

List of the Workers

Received vide Letter No L-20012 /155/97-IR(C-I) dt. 13.09.2005

Sl. No.	Name of the worker
1	Sri Saryu Nayak
2	Sri Md. Said,
3	Shankar No.1
4	Bhim Ram Rawani,
5	Md.Said Ansari
6	Mukund Ram Gowala
7	Md.Tokir
8	Bibhuti Mandal ,
9	Babulal Tanti
10.	Mahesh Prasad No. 1
11.	Md. Allauddin
12.	Kirat Ram
13.	Bisheshwar Mahto
14.	Narain Mandal
15.	Ramphal Saw

On receipt of the L-20012/155/97-IR(C-I) dt.22.04.1998 of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 130 of 1998 on 25.05.1998 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal on the date fixed and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Post were sent to the parties concerned.

2. In response to the Notice call the Sponsoring Union /workmen filed their Written Statement of Claim on 17.08.1998. The brief as narrated by them is as follows :

- That S/Sri Saryu Nayak & 14 others were formerly appointed as Piece Rated permanent workmen in Groups –IV .The workmen concerned had been working as permanent piece-rated workmen and were continuously getting Group –IV wages since long
- That the Management/O.P. was in requirement of time-rated workmen against the permanent vacancy of time-rated jobs.
- So as to fill up the Time Rated job the Management directed the workmen concerned to work as Time Rated workmen and by an Order dated 03.03.1993 the O.P./Management regularized them as Cat.- I Time Rated workers.

- (d) That since then the workmen concerned have been working as Time Rated workers continuously against permanent vacancy as permanent Cat.I -Mazdoors.
- (e) But the Management illegally and arbitrarily started paying the workmen concerned minimum starting wage of Cat. I Mazdoor.
- (f) That the concerned workmen immediately represented before the Management against illegal and arbitrary payment of starting wage of Cat. I wage that too without protecting Groups IV wages, by that time the Management assured the workmen concerned for favourable decision and advised them to wait patiently as the matter had been referred to Headquarters for decision.
- (g) That concerned workmen waited patiently as assurance given by the Management but to no effect. So seeing no other alternative, the Union on behalf of the workmen concerned raised an Industrial Dispute before the A.L.C. (C), Hazaribagh but same ended in failure due to the adamant attitude of the management. The Management's plea in the conciliation that the concerned workmen had been regularized as per option, which was denied by the workmen and ultimately the government of India referred the dispute for adjudication with the schedule.
- (h) That, the action of the management in not fixing the wage of the concerned workmen in the time Rated Scale of Cat. I-, without protecting Groups-IV wage was neither legal nor justified.
- (i) That, the action of the Management was illegal, arbitrary, unjustified and against the principle of natural justice.
- (j) That the action of the Management was against the provision of the I.D. Act and against the provisions of the Standing Order.
- (k) That action of the management was discriminatory and vindictive in nature and smacks of anti-labour policy of the Management.
- (l) Under the foregoing facts and circumstances stated above, workmen pray to answer the reference by directing the management to protect the Group- IV wages of the concerned workmen and to pay them arrears of wages after fixing wages in Cat.I by protecting Groups IV wages at least with effect from 03.03.1993.

3. The Opposite Party/Management filed its counter Written Statement –cum -Rejoinder on 07.04.1999 categorically denying all the allegations leveled against them and came out with assertion that :

- (a) That the present reference is not legally maintainable.
- (b) That the job in relation to piece-rated workers need to carry on hard manual job involving much physical energy; as a result the workmen with background of various ailments or of weak health or of old age, approached the Management for light jobs of Cat.-I or II.
- (c) That the nature of Piece Rated Miner/ Loader is required to carry coal loaded basket on the head or shoulder against up gradient and in that process the workmen had to work up & down throughout the shift of 8 hours to give proper work load .Such jobs can only be carried out by workmen possessing physically strong without any ailment that too during certain period of life. Whereas various piece-rated workers have also to put hard labour in executing their specific jobs for a particular groups and in that process, they find difficulties in executing such jobs all throughout their career.
- (d) That contrary to it, Time rated jobs Cat. I denote lighter jobs like sweeping, cleaning the Mine from coal dust, spraying water with the help of pipes inside the Mine for suppression of coal dust or spraying lime stone dust etc. Such jobs are also available on the surface for cleaning the various parts of machineries on the surface, sweeping and cleaning the roadways on the surface and for performing various miscellaneous jobs in the office or elsewhere.
- (e) The Wage Board Recommendations as well as NCWAs have fixed different wages for different kinds of jobs and the workmen performing such jobs get the wages fixed for such jobs accordingly.
- (f) That it has been observed for almost most of the collieries that piece-rated workers at the later part of their services or after being inflicted with any disease approached the Management for providing them light jobs of Cat. I to enable them, to continue in the employment. But in some cases when the Management refused to provide employment on light jobs, they either opt for voluntary retirement or submit their resignations and leave the employment.

- (g) That Management always tries its best to provide light jobs Cat.I subject to availability of jobs of such nature but the workmen have to accept the wages of Cat. I with initial start. They can not claim for protection of wages of the Group while they were working on Piece Rated jobs.
- (h) That under such process, if workmen interested for time-rated jobs of Cat.I , they will have to accept Category I Wages for performing Cat.-I jobs and they do not claim any right for protection of group wages of Piece- rated workers.
- (i) That the workmen concerned under reference also applied for light jobs of Cat. With option to accept Cat. I wages as per the norms of the Company and the Management forwarded their cases to the Headquarter for decision and with the approval of the Headquarter of the Company, they were put on Cat. I job for their benefit on their acceptance of Category I wages. They were regularized by order dated 03.03.1993.
- (j) That the workmen concerned not only accepted the wages offered to them as per NCWA IV in Cat. I but also continued working in Cat. I with Cat. I wage for a period of more than four years and raising of present dispute by the sponsoring Union amount to bad faith and contrary to the options given by the workman and, to the terms contained in the office Order dt.03.03.1993 vide which they were converted from piece rated to Time Rated categories and were given light jobs of Cat. I.
- (k) That it is also a submission that a workman is required to perform his substantive jobs for which he was appointed and he can be promoted from one post to higher post on a substantive job on the basis of skill acquired by him, after adjudging his suitability by the DPC. There is no provision for change of his cadre from piece-rated to Time rated and the facility is only provided by the Management to tide over difficult situation on the part of certain workmen purely on humanitarian and sympathetic ground.
- (l) That the concerned workmen accepted the jobs accepted the wages and were regularized and working for last five years. Raising the dispute at this stage for protection of group wages in Cat. I does not and can not arise and it is arising purely as a matter of after thought only.
- (m) Thus the approach of the sponsoring union is malafide and against the options given by the workmen concerned. It is further submitted that the management can not favour certain workmen by providing them light jobs of Cat. I and paying them group wages of piece rated workers for some reason or other in which event most of the piece rated workers will demand the same facilities and will demand for light jobs of Cat. I while claiming wages of piece-rated groups. So the Management will have no alternative than to stop diversion of piece-rated workers into Time rated categories to provide them light jobs and all attempts made by different union in the past to provide relief to certain groups of workmen at the time of their need will be defeated. Thus the attempt of the sponsoring union is to defeat all the past activities of different unions as well as of the Management in devising ways and means to assist the workmen who have been incapable of performing hard manual jobs of piece rated workers.
- (n) That thus it is submitted that the demand of the sponsoring union for payment of Piece-rated wages to Cat. I Mazdoor performing light jobs is without any merit and contrary to policy decision of the Management and the Unions .Thus the workmen concerned are not entitled to any relief.

4. The Management also filed Rejoinder attached with written Statement of Claim with points wise rebuttal of all the allegations stating the allegation as not only discriminatory, vindictive in nature but also false, baseless and imaginary.

5. During the course of hearing of the Case, it was observed that list of the workmen was not furnished with the Schedule of the Reference for which Ministry was written to supply the Workmen' list under the Reference and the proceedings was stalled. After receiving the list of the workmen the status of the case stopped over evidence on the part of the Management .Upon failure on the part of the O.P. / Management the same was switched over on the part of the workmen/Union. Since then 26.03.2008, it had been hanging in balance. The Court vide its order dt. 18.07.2003 expressed displeasure over move on the union side who made prayer for call for certain documents from A.L.C. (C), Hazaribagh even after rolling out the case for six years on the count that they had earlier ample scope to move for such plea. Although the Sponsoring Union had annexed some documentary proofs (not exhibited) in support of their claim. To sum up ,there was altogether twenty seven sittings altogether held like-wise 07.04.1999, 10.06.1999, 19.06.2001, 04.09.2001, 16.10.2001, 12.12.2001, 08.07.2002, 16.04.2002, 09.07.2002, 25.10.2002, 18.03.2003, 18.07.2003, 07.11.2003, 16.01.2004, 29.02.2004,

10.06.2004, 09.12.2004, 21.06.2005, 24.08.2005, 05.10.2005, 17.03.2006, 02.08.2006, 17.01.2008, 26.03.2008, 17.06.2008, 09.05.2019, and 03.12.2019 on merits but no progress was visible. Besides there were a series of steps taken up over the procedure right from 25.05.1998, 17.08.1998, 17/18.09.1998, 30.10.1998, 30.11.1998, 28.01.1999, 10.03.1999, 07.04.1999, 10.05.1999, 30.08.1999, 10.09.1999, 01.12.1999, 14.05.2001, 18.12.2003, 27.09.2005, 17.12.2007 and 11.11.2019. The proceedings of hearing abruptly stopped since the year 2006 as no concrete step appears to have taken by the Sponsoring Union/workmen nor made appearance except on 26.03.2008 just praying for further time.

6. The Notices dt. 24.02.2007, 20.03.2008, and fresh summons dt 18.04.2019, and 18.11.2019 were served upon the address of the Sponsoring Union referred on the Order of the Reference but they did not appear. Even a Show Cause Notice dt. 24.06.2002 was also served but none either from the Union or the workmen never tried to appear or give cogent reason thereof. Factually the workmen concerned failed to appear since the year 2006. The Sponsoring Union could not be able to proceed further over merit for final adjudication resulted in the status of the case stands hovering on the point of evidence of the workmen since 26.03.2008.

7. So finally the Industrial Dispute was scheduled on 03.12.2019 for hearing over adducing evidence on the part of the Sponsoring Union/workmen or passing final order in case in eventuality of default. None appeared either from the Sponsoring Union or the workmen side. Contrary to it, Ld. Advocate representing from the O.P./Management Mr. D. K. Verma was present. The onus resting upon the part of Sponsoring Union to adduce evidence to move further on merit but it exposed workmen's unwillingness to go for adjudication despite of availing ample opportunity by way of Notices and adjournments. Simultaneously, the Tribunal does not see scope to proceed further on merit without any basis on material under the state of sheer reluctance on the part of the Sponsoring Union/workmen. The case being stale one, deserved disposal for the sake of natural justice.

8. On perusal of case file, it has been found that the O.P./Management has filed copies of "Undertaking" in respect of S/Shri Saryu Nayak and 14 others for their conversion into Time Rated worker voluntarily individually as named below. The above fact was also brought before the Conciliation Officer, Asstt. Labour Commissioner (C) Hazaribagh vide letter dated 18.09.1996 by the Project Officer, Karo Special Project

1. Sri Saryu Nayak
2. Sri Babulal Tanti
3. Sri Mukund Ram Gowala
4. Sri Shankar No.1
5. Sri Bhim Ram Rawani
6. Md. Said
7. Md. Said Ansari
8. Sri Bibhuti Mandal
9. Md. Tokir
10. Md. Allauddin
11. Sri Mahesh Prasad No.1
12. Sri Ramphal Saw
13. Sri Narain Mandal
14. Sri Kirat Ram
15. Sri Bisheshwar Mahato

9. In the light of such state of affairs and materials on record, the Tribunal is firmly of the view that primarily there is no longer any issue on the part of the sponsoring Union/workmen on merit under Reference as the fact itself reflects that the Union who raised the issue did not want to contest the case on merit as the prolonged absence since the year 2006 itself exposed the workmen's posture. Whereas opportunity of full natural justice has been availed by the workmen to defend the case. The O.P./Management has already filed supporting documents testifying the relevant evidence in support of their contention regarding the request/option submitted for conversion from Piece Rated workman to Time Rated workman.

10. Under the circumstances, it would not be proper to keep the case alive further in the interest of natural justice. Therefore, Industrial Dispute Case is disposed of with firm belief that there is no issue and so devoid of merits for redressal by the Management to the workmen in terms of the Reference of the Case.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का. आ. 858.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स श्याम कोल मैनुफैक्चरिंग कंपनी लिमिटेड जंगलपुर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या 102/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.09.2020 को प्राप्त हुआ था।

[सं. एल-20012/165/1995-आईआर (सीएम-1)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 17th September, 2020

S.O. 858.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 102 of 1996) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Shyam Coal Manufacturing Co. Limited, Jangalpur and their workmen, which was received by the Central Government on 12.09.2020.

[No. L-20012/165/1995-IR(CM-I)]

RAJENDER SINGH, Desk Officer/Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Dr. S. K. Thakur, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

REFERENCE NO 102 OF 1996

PARTIES:

Sri Shyam Sunder Singh Choudhary,
Jangalpur
Post: Govindpur,
Dhanbad
(Jharkhand)

Vs.

The Proprietor,
Shyam Coal Manufacturing Co. Ltd., Jangalpur,
PO: Govindpur,
Dhanbad-828109.

Order No. L-20012/165/95-IR(C-I) dt.09.09.1996

APPEARANCES :

On behalf of the workman/Union : Self

On behalf of the Management : Mr. D. K. Verma. Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 24th March, 2020

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their **Order No. L- 20012/165/95-IR(C-I) dt.09.09.1996.**

SCHEDULE

“Whether the action of the Management of Shyma Coal Manufacturing Company Pvt. Ltd., in dismissing Shri Shyam Sunder Singh Choudhary from the service is justified? If not, to what relief is the said workman entitled?”

On receipt of the **Order No. L-20012/165/95-IR(C-I) dt. 09.09.1996.** of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 102 of 1996 on 09.09.1996 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal on the date fixed and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Post were sent to the parties concerned.

2. The Written Statement of claim as submitted by the workman /petitioner on his behalf on 04.03.1997 as follow:

- (a) That the petitioner named Shri Shyam Sundar Singh Choudhary had been working permanent Munshi since last 21 years continuously with unblemished record of service and put in more than 240 days attendance in each calendar year to the satisfaction of the Management.
- (b) That as soon as the petitioner started demanding legal wages and other benefits the Management stopped the service of the workman w.e.f. 25.11.1992 without assigning any reasons and in violation of principles of natural justice ,against the mandatory provision of Sec. 25-F of the I.D. Act .
- (c) That the petitioner represented to the Management several times to resume duty but to no effect.
- (d) Seeing the adamant and anti-labour attitude of the Management the petitioner raised an Industrial Dispute before the ALC (C) Dhanbad challenging illegal and arbitrary dismissal by stopping from duty.
- (e) The Management 's plea before the Conciliation Officer that the petitioner had been working since 23.11.1978 till 07.11.1972.but the workman concerned started absenting from his duty since 08.11.1992.Accordingly allegedly charge sheet had been issued to the petitioner, which the petitioner termed in its rejoinder as false and concocted statement of the Management. During the course of conciliation preceding the Conciliation Officer and the petitioner both requested the Management to allow the petitioner let the workman join duty but to no avail. The adamant attitude of the Management led to failure of conciliation resulted in birth of reference referred by the Government of India ,Ministry of labour for adjudication with Schedule of Reference
- (f) That the action of the management in dismissing the petitioner was neither justified nor legal.
- (g) That the action of the management in dismissing the concerned workman without following the mandatory provision of law was illegal and void abinitio.
- (h) That the action of the management was against the provision of the standing order Act and against the principle of natural justice.
- (i) That before dismissing the petitioner neither any charghsheet was issued nor was did any enquiry conducted.
- (j) Thus the petitioner's service was terminated in violation of the mandatory provision of Sec.25-F of the Industrial Dispute Act.
- (k) That the petitioner sought for reinstatement with full back wages and other attendant benefits.

3. In response to written statement of claim on behalf of the petitioner, Opposite Party /Management filed on 17.12.1997 its counter statement with the statements briefed hereunder:

- (a) That the O.P./Management asserted that the employee concerned was permanent employee but he started absenting from duty since 08.11.1992 without any information and prior permission of the employer.

- (b) That the absence from duty of the workman concerned without any information and permission is a misconduct. So the Management issued a charge sheet vide dt. 02.12.1992 and sent it at his home address. But no reply was submitted by the workman concerned. Again the management issued a letter to the workman vide letter dt.12.01.1993 asking the workman to explain of his alleged absence.
- (c) But the workman concerned has not replied the charge-sheet dt.02.12.1992 as well as the letter dt.12.01.1993 to the Management.
- (d) That as the workman concerned has not replied to the charge sheet dt.02.12.92 and the letter dt.12.01.1993, the O.P./Management dismissed the workmen concerned with effect from 15.03.1993 vide its letter dt.15.03.1993.
- (e) That the dismissal of the workman concerned is legal and justified.
- (f) That the Employer has given full opportunity to the workman concerned to defend himself according to the principles of natural justice. But in spite of the opportunity given the workman concerned, the workman did not care of replying the charge sheet.
- (g) That all of a sudden after lapse of one year, the workman concerned raised the present Industrial Dispute.
- (h) That the workman concerned has not explained the delay for raising the industrial dispute, even before the ALC, Dhanbad as such the present reference is not maintainable either in law or in facts.
- (i) That the Employers are ready to lead evidence to prove the misconduct of the workman concerned in the Court.
- j) Thus the dismissal of the workman is legal and justified and he is not entitled to any relief.

4. The workman on its behalf also filed rejoinder flatly refusing all the pleas taken by the Opposite Party /Management over this count. The Management had submitted its rejoinder with para-wise rebuttable of the all the points of the claims in their counter and reiterated to stand against as legal and most appropriate and deserving.

5. During the entire proceedings of the hearings held, the case made little progress whereas sittings and adjournments granted as reflected to have held on different pretexts on 03.11.1997, 17.12.97, 14.01.1998, 18.02.1998, 28.07.1999, 19.04.2001, 15.06.2001, 23.07.2001, 05.09.2001, 20.11.2002, 12.03.2002, 27.05.2002, 18.09.2002/20.09.2002, 26.02.2003, 16.07.2003, 04.11.2003, 17.03.2003, 17.03.2004, 08.09.2004, 23.03.2005, 20.09.2005, 01.03.2006, 13.07.2006, 08.05.2014, 25.06.2014, 14.08.2014, 16.10.2014, 08.12.2014, 04.02.2015, 16.04.2015, 22.06.2015, 07.08.2015, 29.09.2015, 01.12.2015, 25.01.2016, 05.04.2016, 03.05.2016, 24.06.2016, 01.08.2016, 07.05.2019 and finally on 03.12.2019 on merits apart from steps being taken for further proceedings on 04.03.1997, 31.03.1997, 21.05.1997/26.05.1997, 15.07.1999, 10.09.1997, 31.03.1998, 04.05.1998, 01.07.1998, 10.08.98, 11.09.1998, 04.11.1098, 30.12.1998, 03.02.1999, 30.03.999, 04.05.1999, 11.06.1999, 01.09.1999, 13.10.1999, 31.12.1999, 19.04.2001 and 16.04.2019. The proceedings of the hearing stopped over the stage of evidence on the part of O.P./Management on merit since 17.03.2004 but case stay pending over the stage of evidence of the Management. Moreover, the case is very old and related to the year back in 1996.

6. So far Notices/Summons that Notices dt. 31.05.2001, 11.09.2001, 08.01.2003, 10.04.2014, 16.04.15 and fresh spell of summons on 18.04.2019 and 18.11.2019 were served to resume hearing over hearing over evidence of the Management or for order. Notices were sent on the address of the Sponsoring Union/workman on the address referred on back side of the Order of the Reference but neither workman nor his Representative took efforts to appear and represent the case to get it to finality on adjudication. Though one Notice remained undelivered. Significantly, domestic enquiry conducted against the workman by the O.P./Management declared unfair and improper vide order dt. 17.08.2004 as the O.P./Management proved failure to substantiate fairness of the enquiry.

7. The Industrial Dispute Case was fixed on 03.12.2019 to be resumed hearing further over the stage of evidence of the Management /O.P. Mr. D.K.Verma Ld. Advocate from O.P./Management was present, but the workman who is self petitioner was found absent. Due to non-appearance of the workman, the Tribunal finds no scope to proceed further on merits. More so, the workman concerned who raised the Industrial Dispute himself or his Representative showed no interest to contest the case on merit in the light of ample opportunity provided to him and that also in the event of default on part of the Opposite Party/Management in placing the copy of charge sheet issued and served and conducting any inquiry before dismissing the workman concerned. The case

could have tilted in favour of the petitioner due to failure on part of the Management in placing proof in support of their contention and counter filed.

8. On the face of the facts and consideration of the facts and perusal of materials over this aspects, I find no reason to continue with the case further for adjudication as the workman is not showing interest in pursuing his claim. Thus it appears there is no issue in the case particularly when the workman appears reluctant. The issue automatically seems to be absolved of. Apparently no relief exists to be granted by the O.P./Management by now due to default on the part of workman/his Representative in continuing with its claim for several years on dates provided to be heard. The Industrial Dispute Reference case is disposed of on presumption no grievance to exist.

9. There is absolutely no question to put on hold the Industrial Dispute at random or without any interest on the part of the workman. Accordingly, the Award is passed as the workman concerned Shyam Sundar Singh Choudhary need not seek any relief from the Management to be granted in this case matter. The Industrial Dispute Reference Case is being hereby disposed of with the opinion that no relief with regard to the issue specifically needs be granted by the O.P./Management for the workman in this case.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 859.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स राउरकेला स्टील प्लांट, सेल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 66/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-29011/9/2012-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 859.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/2012) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Rourkela Steel Plant, SAIL, and their workman, which was received by the Central Government on 15.09.2020.

[No. L-29011/9/2012-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 66 OF 21012

Dated Bhubaneswar, the 16th January, 2020

Present:

Shri B. C. Rath,
Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar.

Between:

The Managing Director/Chief Executive Officer,
Rourkela Steel Plant, SAIL,
Rourkela, Dist. Sundargarh.

...First party management

And

The President,
Ispat Labour Union, A/158, Sector-13,
Rourkela-769009, Dist. Sundargarh.

...Second party Union

Appearances:

Shri Subrat Mishra, Advocate : For first party management

Shri N. K. Mohanty : For second party Union

AWARD

The Government of India, Ministry of Labour & employment have referred the industrial dispute for adjudication vide its Order No.L-29011/9/2012 (IR(M)) dated 4.6.2012 in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (here in after referred to as “the Act”) and the terms of reference reads as follows:

“Whether the removal of service of Shri Biraja Prasad Mohanty, Ex-workman by the management of Rourkela Steel Plant, SAIL, Rourkela with effect from 28.2.2009 is legal and justified ? what relief the workman is entitled to ?”

2. The case of the second party workman as emerging from his statement of claim is that he was working as a Technician in SMS-1(E) department of Rourkela Steel Plant, when he was removed from service on 28.2.2009 after being found guilty of misconduct in a departmental proceeding for remaining unauthorized absent from duty. It is his plea that the departmental enquiry was not fair since there was violation of principles of natural justice and provisions of Standing Order of the Company while conducting the enquiry. He was not furnished with necessary documents in the proceeding as a result of which he was deprived of being properly defended. Though, he established genuine reasons for his absence, the same was not taken into consideration by the Enquiry Officer while recording his finding. The punishment imposed on him in shape of dismissal from service is not proportionate to the gravity of misconduct allegedly proved against him. In that view of the matter, he raised an appeal before the appropriate authority. The appeal having been rejected, he raised a dispute before the labour machinery. Consequent upon, the reference as stated earlier is made to the Tribunal after failure of conciliation before the labour machinery.

3. The management of Rourkela Steel Plant has resisted the claim taking a stand that the issues raised in the statement of claim are already decided by the State Industrial Tribunal at Rourkela in I.D.Misc. case No. 3/2009 registered on the application of the management under Section 33-2(b) of the Act. According to the management, the second party workman was a habitual absentee. Since he remained absent from his duty for a period of 156 days without any authority in between April, 2007 to March, 2008, a departmental proceeding was initiated against him on the charges of remaining unauthorized absence. The workman participated in the departmental enquiry, furnished with the copy of charge-sheet and required documents, allowed to be defended by a representative, allowed to cross-examine departmental witnesses and allowed to adduce his defence. The enquiry was conducted in accordance with the principles of natural justice and provisions of the Standing Order which is also recorded in the order of the I.D.Misc. case disposed of by the State Industrial Tribunal at Rourkela. The second party workman being held guilty of remaining unauthorized absent for different spells and having regard to various adverse entries in his C.C.R, he was punished with dismissal from service after being issued with a show cause notice. The punishment of dismissal was proportionate to the gravity of misconduct proved against the workman. Therefore, there is no scope to interfere with the finding in the departmental proceeding as well as in the action of the management dismissing the workman.

4. On the aforesaid pleadings of the parties, following issues have been settled for adjudication of the dispute.

ISSUES

- (i) Whether the reference is maintainable under the Industrial Disputes Act ?
- (ii) Whether the domestic enquiry conducted against the second party workman by the management is fair and proper ?
- (iii) Whether the removal of services of Shri Biraja Prasad Mohanty, Ex-workman by the management of Rourkela Steel Plant, SAIL, Rourkela with effect from 28.2.2009 is legal and justified ?
- (iv) What relief the workman is entitled to ?

5. After settlement of issues, the second party workman was offered opportunities to adduce his evidence on all issues and merit of the case keeping in view the issue of fairness of departmental enquiry was already decided by the State Industrial Tribunal at Rourkela in I.D. Misc. case No. 3/2009. Despite several adjournments and ample opportunities to the workman when no evidence was adduced after prolonging of the matter for a considerable period, the evidence of the workman was closed and the management was invited to adduce its evidence. The management did not prefer to adduce any oral evidence except filing the copy of the Award passed in I.D. Misc. case No. 3/2009 the copy of charge-sheet dtd. 19.3.2008, copy of acknowledgement receipt dtd. 27.3.2008 of the charge-sheet, copy of Notification dt. 7.4.2008 constituting the enquiry committee, copy of notice dt. 9.5.2008 of the enquiry committee, copy of enquiry proceedings alongwith its exhibits, copy of findings dtd. 4.6.2008 of Enquiry Officer, copy of letter dtd. 6.6.2008 showing sending of copy of the proceeding & findings of the enquiry committee to the workman, copy of acknowledgement receipt of the letter dtd. 6.6.2008, copy of removal order dtd. 28.2.2009, copy of postal receipts No. RALD A 1807 & RALD A 1808 dtd. 28.2.2009, copy of counter foil of pay-in-slip dtd. 28.2.2009 showing deposit of one month wage in the Saving Bank A/c. of workman in the Orissa State Co-operative Bank Ltd., Rourkela Branch, copies of the past punishment orders dtd. 31.10.2003 and 24.11.2005, copy of personnel policy circular No. 654 dtd. 21.9.1992 and copy of application filed U/s.33(2)(b) filed by applicant before PO, Industrial Tribunal, Rourkela which was registered as IDMC. 3/2009 which are marked exhibits.

FINDING

6. It is not disputed that fairness of departmental enquiry was also an issue before the State Industrial Tribunal at Rourkela in I.D. Misc. Case No. 3/2009. In the said case the learned Tribunal has held that the departmental enquiry was conducted in all fair and proper manner. So there was no violation of principles of natural justice while holding the enquiry. The enquiry being found conducted in a fair manner, the action of the management dismissing the workman was approved by the learned Tribunal in the proceeding registered on an application under Section 33-2(b) of the Act. The said order having been not challenged in any appropriate forum, it shall be concluded that the workman was duly charge-sheeted for his unauthorized absence for 156 days and he was given all opportunities to defend himself in the departmental enquiry. His misconduct was duly proved in the proceeding consequent upon which he was dismissed from service. In that view of the matter, it is to be held that the departmental enquiry was conducted in a fair and proper manner. The finding of the Enquiry Officer was based on legal evidence and there is no scope to interfere with the said finding. Coming to the point whether the punishment of dismissal was dis-proportionate to the gravity of mis-conduct proved against the workman, it is seen that the workman was alleged of remaining unauthorized absent for different spells in between April, 2007 to May, 2008 which was 156 days in total. It is also emerging from the documents filed by the management that taking into account the adverse entries in the C.C.R. of the workman and the misconduct proved against him, the disciplinary authority imposed punishment of dismissal. The workman was found to have failed to attend his duty frequently without any intimation to his authority. This being a misconduct of serious in nature, the punishment of dismissal cannot be held disproportionate to the misconduct provided against the workman. Law is also well settled that the Tribunal shall not interfere with the departmental action unless the punishment was shockingly disproportionate to the gravity of misconduct against the workman or there is sufficient reasons for such interference. Be that as it may, the statement of claim preferred by the second party workman has no merit for consideration and the same stands rejected.

Accordingly the reference is answered and Award is passed.

Dictated and corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 860.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सेल, आरएमडी, बोलाणी ओर्स माइंस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 39/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-26011/32/2015-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/2015) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SAIL, RMD, Bolani Ores Mines and their workman, which was received by the Central Government on 15.09.2020.

[No. L-26011/32/2015-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BHUBANESWAR

Industrial Dispute Case No. 39 of 2015

Dated this the 25th day of February, 2020

Present:

Shri B. C. Rath, LL.B., Presiding Officer,
Central Government Industrial Tribunal,
Bhubaneswar.

Between:-

The General Manager,
SAIL-RMD., Bolani Ores Mines,
District-Keonjhar, (Odisha)

...First Party- Management

-Versus-

The President,
Barbil, Worker's Union,
At/P.O. Bolani,
District-Keonjhar

...2nd. Party Workman

Appearances:-

For the First Party Management : Sri R. K. Sahu

For the 2nd Party Workman : Mr. R. M. Latif

AWARD

The Government of India, Ministry of Labour and Employment have referred an Industrial Dispute between the above named parties for its adjudication vide its order No L-26011/32/2015-IR(M) Dated.24.11.2015 under clause (d) of sub-section(1) and sub-section(2-A) of Section 10 of the Industrial Disputes Act,1947(14 of 1947) and the Schedule of the reference is as follows:-

- 1) **“Whether the demand of the Union for regularizing contract labour into the regular roll of Management is legal or justified ?**
- 2) **Whether the contention of the Management that, there exist no employer relationship and they are the contract labour and are being engaged by the contractors are legal justified? If not, what relief the worker's are entitled to ?”**

2. The claim of the 2nd Party Union as emerging from its statement of claim is that the disputant workmen named in the schedule of reference were working directly under the control and supervision of the Management SAIL-RMD, Bolani Ores Mines and they were paid wages also by the said Management, though they have been shown as contract labourers being engaged through different contractors. According to the Union the workmen are not hired by any Contractor having valid registration as required U/s.7 and 12 of the Contract Labour Act,1970. Any agreement between the Management of SAIL-RMD, Bolani Mines and such Contracts are only paper transaction and the contract/agreement for supply of such contract labourers is a sham and camouflage transaction to avoid the liability of employer or for regularising the services of the contract labourers in the organisation of the Management. The workmen having been engaged for a substantial period as contract labourers are to be regularised in their services under the Management. When such a demand was raised by the Union, no attention was paid to the demand for which a dispute was raised before the Labour

Machinery. Consequent upon the reference as stated earlier is made for adjudication of the dispute since conciliation initiated by the Labour Machinery could not be materialised due to non-cooperation of the Management.

3. In its written statement the Management refuted all the contentions of the Union raised in the statement of claim. It is the stand that SAIL is a Central Government Undertaking having its plants, units and Mines under Raw Material Division of SAIL situated in the district of Keonjhar, Odisha and the establishment is engaged for extraction of iron ores for supply to the integrated Steel Plants. In such process of extraction of iron ores in the Bolani ores mines, the contractors are engaged and entrusted with different works/jobs. To comply their contractual obligation such contractors engaged labourers to carry out the works/jobs entrusted to them. The said contract labourers are the employees of those contractors. The Management has nothing to do with the employment of such labourers and their works/duties. Those labourers are working directly under the control and supervision and Pay Roll of those Contractors. There being no employer and employee relationship between the parties, the question does not arise for regularisation of service of those contract labourers. Hence, it has been prayed by the Management that neither the reference is maintainable nor the demand or the dispute raised by the 2nd Party Union has any merit for consideration.

4. On the aforesaid pleadings of the parties the following issues are framed.

ISSUES

- (1) Whether the reference is maintainable under the Industrial Disputes Act ?
- (2) Whether the demand of the Union for regularization of contract labour enlisted in the regular role of the Management is legal and justified ?
- (3) Whether those contract labourers are working under the direct supervision and whether there is any relationship of "employer and employee" exists between those labourers and the Management ?
- (4) Whether the list of labourers whose list has been submitted by the Union are in the regular role of the Management ?
- (5) If not, to what relief the workmen are entitled ?

5. In order to establish its claim the 2nd Party Union has examined W.W.1 to W.W.8 and relied upon the documents such as Xerox copy of Inspection Report of Indian Bureau of Mines, Xerox copy of notification dated.12.6.1982 in the gazette of India, the Xerox copy of Memorandum of Agreement, Xerox copies of Identity-cum-Gate Passes issued to contractual workmen, Xerox copies of certificates of basic training to the workmen, the Xerox copy of Form No.O Report of Medical Examination, the Xerox copy of Attendance Register, the Xerox copy of Identity slip issued by the CISF, the Xerox copy of the Certificates of Basic Training, Xerox copies of EPF Statements, Xerox copy of Electrical workmen's permit of Govt of Odisha, Xerox copy of Form No.O report of examining authority, Xerox copies of Attendance Register, Xerox copy of Identity slip issued by CISF, Xerox copy certificate of basic training, Xerox copy of P.F. Slip, Xerox copy of Identity slip issued by CISF, Xerox copy of certificate of basic training. Copy of Form No.O Report of Examining Authority, and Xerox copy of Attendance Register which are marked as Ext.1 to Ext.27 respectively. On the other hand the Management has examined its Senior Manager(P & A) as M.W.1 to refute the claim of the 2nd Party Union and relied upon the documents like Xerox copies of the tender notices dt.5.7.2015, 3.10.2015, 25.11.2015, 23.3.2016 and 19.3.2016, Xerox copies of work orders and contract agreements, Xerox copy of the W.P.(C) No.1255/2017 filed by Sri P. Bahadur in High Court of Odisha, Xerox copy of order dt.12.8.2016 issued by the Ministry of Labour wherein the representation of the Union was rejected and Xerox copies of Wage Sheet s in regard to payment to contract labours which are marked as Ext. A to Ext. E respectively.

FINDINGS

6. For the sake of convenience all the issues are taken in to consideration simultaneously. The finding of the award mainly rests on existence of relationship of employer and employees between the parties. Since the Management has refuted the claim of the 2nd Party on a contention that the disputants workmen are not its employees, the 2nd Party seems to have relied upon the oral testimony of its representative W.W.1 and contractor labourers i.e. disputed W.W.2 to W.W.8. The oral testimony of W.W.1 is that contract labourers numbering 516 are engaged on permanent and regular basis in the mines of the Management to do the work of drilling, blasting over burden removal, muck cleaning in crossing plant conveyer belt screen plant, peons etc. Those contract labourers are working under the direct control, supervision and Pay Roll of the Management and their nature of jobs are permanent. But, they have been shown as the labourers of the contractors. W.W.2

to W.W.8 have further added in their evidence that their attendance are being taken by the 1st Party Management. It is their claim that even though they do similar nature of work like the permanent employees of the Management, they are not paid wages equivalent to the wages paid to the permanent employees. Hence, they are entitled to wages and financial benefits which are extended to the permanent employees of the Management. W.W.1 being authorised representative of the Union has further stated that there are supporting documents from which it can be evident that the disputant workmen 516 in numbers are directly employed and they worked under supervision, in attendance and Pay Roll of the Management. They are also doing the same work like some permanent employees of the Management and therefore, their services are to be regularised and they are entitled to wages and financial benefits given to the regular workers of the Management on principle of equal pay for equal work.

But, W.W.1 has admitted that they were engaged by the contractors to whom the work orders were awarded by the Management on the basis of agreement/contract. Though W.W.2 to 8 have claimed to have been working under direct control, supervision and Pay Roll of the Management, not a single scrap of paper in the above aspects has been filed in support of such claim. The Xerox Copy of Attendance Register filed by the Union do not suggest that it was being maintained by the Management. The witnesses have admitted that no advertisement was made by the Management for their appointment and they were not issued with any appointment letters and no wage slip is filed. The documents relied upon by the 2nd Party Union do not reveal that the disputed workmen are under direct Pay Roll or control of the 1st Party Management. No Provident Fund Slip is filed to show that EPF benefits of the workmen are born by the Management instead of the Contractor. Even if it is accepted that Provident Fund contribution of the workman is being deposited by the Management, the same cannot lead to a conclusion that relationship of employer and employee between the parties is established. On the other hand as per the EPF Act the Principal Employer is equally liable like the immediate employer for EPF deposit. Hence, deposit of EPF Contribution by the Management is no way sufficient to establish the relationship of employer and employee between the parties. Thus, on a careful scrutiny of the evidence of the witnesses of the 2nd Party read with the oral testimony advanced by the Management do not suggest that any of the disputed workman is either employed or engaged directly by the Management or he/they are working under direct control and Pay Roll of the Management.

7. The evidence led by the 2nd Party do not establish that the agreement or contract between the contractors and the Management are sham and camouflage. No pleading and evidence in this regard is also advanced by the 2nd Party. Further, no order has been passed by the appropriate authority under contract labour Act prohibiting engagement of contract labourers for the alleged works by virtue of which the Management is required to absorb those contract labourers. Automatic absorption of the contract labours working in the establishment can only be ordered (1) where the contract is found to be sham, nominal and camouflage. (2) where contract labour is engaged in or in connection with the work of an establishment and employment of the contract labour is prohibited either because of order of industrial adjudicator or under the order of abolition of the contract labour by an appropriate notification U/s.10(1) of the Contract Labour and Regulation Act. In the case at hand neither any prohibition is made by any appropriate authority prohibiting engagement of contract labourers nor it is proved that the work in which the disputed workmen are engaged are perennial in nature and the agreement towards engagement of contract labour are sham and camouflage.

8. On the aforesaid analysis it can be safely said that none of the disputed workman is holding any appointment under the establishment of the Management. They are not paid by the Management for the work or for their engagement. There is no relationship of master and servant between the Management and the disputed workmen.

When the relationship of master and servant is not established, the demand of the 2nd Party Union for regularisation of the services of the disputant in the establishment of the Management is not sustainable in the eye of law. Similarly the maintainability of the reference is not also sustainable under the Industrial Disputes Act due to want of employer and employee relationship. So far the claim of wages and financial benefits as per the regular employees is concerned, the reference being silent in this regard the Tribunal has no authority to adjudicate on such claim. As per the settled principles of the Apex Court an Industrial Tribunal cannot go beyond the term and condition of the reference. Be that as it may, the claims raised by the 2nd Party Union in its statement of claim are not having any merit for consideration and as such the same is rejected.

The reference is answered accordingly without any award in favour of the 2nd Party.

Copy of the award be sent to the Ministry for its notification at their end.

Dictated & corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स माँ बसूली कंस्ट्रक्शन एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 82/2018) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.09.2020 को प्राप्त हुआ था।

[सं. एल-30011/16/2018-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 82/2018) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Maa Basulei Construction and other, and their workman, which was received by the Central Government on 17.09.2020.

[No. L-30011/16/2018-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE**I.D. Case No. 82 of 2018**

1. The Managing Partner,
M/s. Maa Basulei Construction,
Plot No. 258, Sunakhala, Paradeep,
District-Jagatsinghpur.
2. The Chief Terminal Manager,
M/s. IOCL, Terminal Site, Paradeep,
Atharbanki, Paradeep, Jagatsinghpur

... 1st Party Managements**-Versus-**

The General Secretary,
Petroleum Products Handling & Carriers Employees Union,
Bauripalanda (Majhipada), Atharbanki, Paradeep,
District-Jagatsinghpur

... 2nd Party Workman

- 7) 30.12.2019 The Government of India, Ministry of Labour and Employment have referred an Industrial Dispute between the above named parties for its adjudication vide its order No. L-130011/16/2018-IR(M) dated 30.11.2018 under Clause (d) of sub-section(1) and sub-section(2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and the Schedule of the reference is as follows:-

“Whether the demand of the Petroleum Products Handling and Carriers Employees Union to pay HRA @ 20% of basic pay, wages on weekly off, conveyance & other allowance as Rs. 3680/- to the contract workers through M/s. Maa Basulei Construction, Contractor as per previous settlement by the management of IOCL, Terminal Site Paradip is legal and justified? If yes, What relief the workmen are entitled to?”

“Whether the action of the Management of IOCL, Terminal Site Paradip in disallowing the wages on weekly off days as per earlier settlement is legally tenable and justified in light of the provision of Section 9A to be read with The Fourth Schedule, item 8 of the I.D. Act i.e. withdrawal of any customary concession or privilege or change in usage? If no, what relief the said contract workers are entitled to? What directions are necessary in the matter?”

On receipt of the reference the parties were noticed for their appearance and filing of their statements. Neither the union appeared and submitted its statement of claim after being noticed twice nor the Managements filed their written statement. Since the Union failed to submit his statement of claim after issuance of notice it may be presumed that either the dispute is already resolved or the Union is not interested to prosecute the dispute. In the above back drops the Tribunal can not prolong the case for an indefinite period and it is not in a position to adjudicate the dispute without statement of claim and written statement of the parties as well as in absence of the evidence if advanced by the parties.

It is pertinent to mention here that until adjudication of the dispute referred to by the authority concerned, an award cannot be made within the meaning of the award as defined under section 2(b) of the Act. There is also no provision in the Act to pass a no-dispute award or a nil award in case the disputant fails to make appearance and prosecute its claim. In that view of the matter passing of a no-dispute award or nil award for absence of the disputant/parties would be a misconception and the above position has been settled by the Hon'ble High Court of Odisha in the case between M/s. IDL Chemicals Limited –Versus- P.O. Labour Court, Sambalpur reported in 72(1991)CLT 73 and in the decision of the Calcutta High Court in the case of B.R. Bermen and Mohatta(India) Pvt. Ltd., -versus-Seventh Industrial Tribunal, West Bengal and others(short noted in 1977 Lab. I.C(NOC)13(CAL). It has been also held by the Hon'ble Courts that so long as the dispute remains unsettled and the proceeding came to an end without adjudication of the dispute between the parties, there is no bar under the Act whereby the Government is precluded from referring the dispute over again so that there may be an industrial adjudication as contemplated by the Act.

Having regard to the above facts and circumstances as well as settled principles I am constrained to dismiss the case registered on the reference of the dispute without any award and accordingly the reference is disposed of. A copy of this order be sent to the Government of India, Ministry of Labor for necessary action at their end.

Dictated & corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 862.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओएमसी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 35/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.09.2020 को प्राप्त हुआ था।

[सं. एल-29011/10/2016-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 862.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 35/2017) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. OMC Limited, and their workman, which was received by the Central Government on 17.09.2020.

[No. L-29011/10/2016-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: BHUBANESWAR**

Present: Sri B. C. Rath, LL.B., Presiding Officer,
Central Govt. Industrial Tribunal, Bhubaneswar

I.D. Case No. 35 of 2017

Dated Bhubaneswar the 20th day of January, 2020

The Regional Manager,
M/s. OMC Limited,
At/P.O. Barbil, District- Keonjhar,
Odisha-758035

...1st Party Management

-Versus-

The General Secretary,
Keonjhar Mining Workers Union (CITU),
At/P.O. Barbil, District-Keonjhar
Odisha-758035

...2nd Party Union

The Government of India, Ministry of Labour and Employment have referred an Industrial dispute between the above named parties for its adjudication vide its Order No. L-29011/10/2016-IR(M) dated.9.5.2017k under Clause(d) of sub section(1) and sub section(2-A) of Section 10 of the Industrial Disputes Act,1947 (14 of 1947) and the schedule of the reference is as follows:-

“Whether the action of the Management of OMC Limited, Barbil region in not providing Conveyance Allowances to the Departmental PR Miners is justified? If not, to what relief the PR Miners are entitled to ?”

AWARD

2. On receipt of the reference, parties were noticed. The 2nd Party Union filed its Statement of Claim and on receipt of notice and Statement of Claim the Management submitted its Written Statement. While the reference is pending for taking evidence of the Parties after settlement of issues, the Management filed a petition along with copy of the order dated.8.11.2019 passed by the Director Personnel, OMC marked Ext.1 and submits that the demand raised by the Union is complied with for which the reference should be disposed of. The authorized representative of the 2nd Party has adduced his evidence and in his cross examination he has admitted that the demand raised by the Union has been accepted by the Management vide its order dated.8.11.2019 and by virtue of the above order the PR Miners have been provided with Conveyance Allowance of Rs.500/- per month with effect from 8.11.2019. Keeping in view the order the Union is no more interested to prosecute the dispute and accordingly the same may be disposed of.

3. Having regard to the submission advanced by the authorized representative of the Management and contents of Ext.A and the evidence of W.W.1 it can be safely said that no dispute exists between the parties at present and as such the dispute referred by the Ministry needs no adjudication. No award is also required to be passed as the matter under the dispute seems to have been settled by the parties amicably in the event of the order dated.8.11.2019 of the Management and submission of the parties that they are no more interested to prosecute their claims advanced in their written submissions.

In that view of the matter the reference is disposed of with no award on account of amicable understanding between the parties.

A copy of the award be sent to the Ministry for notification.

Dictated & corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ट्रिनिटी कमर्शियल प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 29/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-29012/10/2013-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/2013) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Trinity Commercial Pvt. Ltd., and their workman, which was received by the Central Government on 15.09.2020.

[No. L-29012/10/2013-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR**

Present: Shri B.C. Rath, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 29/2013

No. L-29012/10/2013 (IR(M), dated 13.05.2013)

Date of Passing Order – 8th June, 2018**Between:**

M/s. Trinity Commercial Pvt. Ltd.,
Contractor of M/s. Serajuddin & Co.
Balda Block Iron Mines, At./Po. Baneikela,
Via. Joda, Dist. Keonjhar (Odisha), Keonjhar

... 1st Party-Management**(And)**

Smt. Nirupama Mahanta,
W/o. Kshirod Chandra Mahanta,
At./Po. Basira, Via. Remuli, Dist. Keonjhar, Odisha

... 2nd Party-Workman**Appearances:**None : For the 1st Party-ManagementNone : For the 2nd Party-Workman**ORDER**

Both the parties are found absent on repeated calls. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 01.08.2013, whereas the 1st Party-Management on being noticed filed its written statement on 28.11.2016. On the pleadings of the parties issues were settled on 15.3.2017. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after 19.9.2017. In the above back-drops and in absence of the

2nd party-workman there is no alternative than to presume that either the 2nd party-workman has lost interest to pursue the dispute for its judicial adjudication or there exists no further dispute between the parties. In the given situation I am constrained to return the reference without any award/findings to the Ministry for taking necessary action at their end.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ट्रिनिटी कमर्शियल प्राइवेट लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 34/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-29012/9/2013-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 34/2013) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Trinity Commercial Pvt. Ltd., and their workman, which was received by the Central Government on 15.09.2020.

[No. L-29012/9/2013-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present: Shri B.C. Rath, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 34/2013

No. L-29012/9/2013 (IR(M), dated 13.05.2013)

Date of Passing Order – 8th June, 2018

Between:

M/s. Trinity Commercial Pvt. Ltd.,
Contractor of M/s. Serajuddin & Co.
Balda Block Iron Mines, At./Po. Baneikela,
Via. Joda, Dist. Keonjhar (Odisha), Keonjhar.

... 1st Party-Management

(And)

Shri Kshirod Chandra Mahanta,
S/o. Benudhar Mahanta,
At./Po. Basira, Via. Remuli, Dist. Keonjhar, Odisha

... 2nd Party-Workman

Appearances:

None : For the 1st Party-Management

None : For the 2nd Party-Workman

ORDER

Both the parties are found absent on repeated calls. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 01.08.2013, whereas the 1st Party-Management on being noticed filed its written statement on 28.11.2016. On the pleadings of the parties issues were settled on 15.3.2017. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after 19.9.2017. In the above back-drops and in absence of the 2nd party-workman there is no alternative than to presume that either the 2nd party-workman has lost interest to pursue the dispute for its judicial adjudication or there exists no further dispute between the parties. In the given situation I am constrained to return the reference without any award/findings to the Ministry for taking necessary action at their end.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 865.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स गल्फ ऑयल कॉर्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 33/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-30011/30/2015-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/2015) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Gulf Oil Corporation Ltd. and other, and their workman, which was received by the Central Government on 15.09.2020.

[No. L-30011/30/2015-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR**

Present: Shri B.C. Rath, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 33/2015

Date of Passing Order – 30th May, 2018

Between:

1. M/s. Gulf Oil Corporation Ltd.,
Jilling Longalota Iron Mines, At. Jilling,
Po. Jajanga, Via-Joda, Dist. Keonjhar.
2. M/s. Essel Mining Industries Limited,
Jiling Longalora Iron Mines, At. Jilling,
Po. Jajanga, Via-Joda, Dist. Keonjhar

... 1st Party-Managements

(And)

The General Secretary,
Shramik Surakshya Santh,
At. Sarei, Via. Champua, Dist. Keonjhar

...2nd Party-Union**Appearances:**Auth. Representatives : For the 1st Party-ManagementsNone : For the 2nd Party-Union**ORDER**

No-one appears on behalf of the 2nd party-Union on repeated calls. No step is also taken on behalf of the 2nd party-Union. Legal representatives of the Managements are present. It is submitted by the legal representatives of the Managements that the 2nd party-Union is not taking any steps and the case shall be dismissed. Perused the record. It is seen from the record that on the last date of adjournment i.e. on 02.04.2018 the 2nd party-Union was absent though the case was posted for filing of rejoinder and settlement of issues on that date. After filing of statement of claim and written statement by the parties the 2nd party-Union seems to be irregular in his appearance. It is difficult on the part of this Tribunal to adjudicate the dispute in absence of evidence on the part of the 2nd party-Union, who has raised the dispute. Hence, the Tribunal is constrained to return the reference without its adjudication for default of the 2nd party-Union in advancing its evidence in support of the dispute raised in the reference.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 866.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स जी.एस. अटवाल एंड कंपनी इंजीनियर्स (प्राइवेट) लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 41/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-26012/3/2017-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/2017) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. G.S. Atwal & Co. Engg. (P) Ltd. and others, and their workman, which was received by the Central Government on 15.09.2020.

[No. L-26012/3/2017-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR**

Present: Shri B.C. Rath, Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 41/2017
No. L-26012/3/2017-IR(M), dated 01.06.2017

Date of Passing Order – 4th June, 2018

Between:

1. M/s. G.S. Atwal & Co. Engg. (P) Ltd.,
C/o. TISCO Limited, Kalarangiatta,
Dist. Jajpur (Orissa) – 755 028.
2. M/s. Sadanika Construction,
At./Po. Kalrangiatla, Dist. Jajpur (Orissa) - 755 028.
3. M/s. Siva Engg. Construction,
At./Po. Kalarangiatta, Dist. Jajpur, (Orissa) – 755 028. ... 1st Party-Managements

(And)

Shri Nakula Mahanta,
Vill. Sendhasara, Po. Murabil,
P.S. Kankadahada, Dist. Dhenkanal,
Odisha – 759 039. ... 2nd Party-Workman

Appearances:

None : For the 1st Party-Managements
None : For the 2nd Party-Workman

ORDER

Case is taken up for hearing. None appears on repeated calls. No step is also being taken by the parties. Perused the record. It is seen that despite notice being sent to the 2nd party-workman by regd. post no statement of claim is filed by the 2nd party-workman. In the meanwhile the case has already suffered more than four adjournments after sending of notice to the 2nd party-workman. Hence, it appears that the 2nd party-workman is not probably interested to prosecute the matter. In absence of the pleadings and evidence of the parties on the dispute under reference it is difficult on the part of the Tribunal to adjudicate the dispute. Hence, there being no alternate than to return the reference without its adjudication. Accordingly the case is disposed of without any award. Copy of the order be sent to the Ministry of Labour for their perusal and for necessary action at their end.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 867.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बरसूआ आयरन माइंस, आरएमडी, सेल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 17/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-26012/37/1997-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2014) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Barsua Iron Mines, RMD, SAIL, and their workman, which was received by the Central Government on 15.09.2020.

[No. L-26012/37/1997-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR**

Present: Shri B. C. Rath, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 17/2014

No. L-29012/37/97 – IR(M), dated 05.03.2014

Date of Passing Order – 21st May, 2018**Between:**

The General Manager,
Barsua Iron Mines, RMD, SAIL,
P.O.-Tensa, Dist. Sundargarh (Odisha),
Pin – 770 041

...1st Party-Management**(And)**

The Secretary,
United Mines Mazdoor Union,
P.O. Barsua, Dist. Sundargarh,
Pin – 770 041.

...2nd Party-Union**Appearances:**Shri B. B. Tripathy, Legal Asst. SAIL RMD : For the 1st Party-ManagementNone : For the 2nd Party-Union**ORDER**

Authorized representative of the Management is present. None appears on behalf of the 2nd party-Union on repeated calls. No step is also taken on behalf of the 2nd party-Union. It is seen from the record that after filing of statements by both the sides the 2nd party-Union is not taking any step to prosecute the reference. In the above premises there is nothing before this Tribunal to answer the reference. Hence the reference be returned to the Ministry of non-prosecution by the 2nd party-Union.

Dictated & Corrected by me.

B. C.RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 868.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इंडियन रेयर अर्थ लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 02/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-29011/24/1996-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 02/2017) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Rare Earths Limited and their workman, which was received by the Central Government on 15.09.2020.

[No. L-29011/24/1996-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR**

Present: Shri B. C. Rath, Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 02/2017
No. L-29011/24/1996-IR(M), dated 28.12.2016

Date of Passing Order – 9th May, 2018**Between:**

The General Manager,
M/s. Indian Rare Earths Limited,
Orissa Sands Complex, Po. Matikhalo,
Chatrapur, Ganjam (Odisha),
Pin – 761 045.

...1st Party-Management**(And)**

Shri Brundaban Maharana,
S/o. Sh. Arjun Maharana,
C/o. Shri Sudarshan Barik,
Vill. & Po. Madhapur, Dist. Keonjhar,
Odisha, Pin – 758 001

...2nd Party-Workman**Appearances:**None : For the 1st Party-ManagementNone : For the 2nd Party-Workman**ORDER**

Case taken up. Parties are absent. The 2nd Party-Workman has not filed any statement of claim despite sending notice through regd. post. As such, it seems that the 2nd party-Workman is not interested in prosecuting his case. However the dispute cannot be adjudicated upon for want of pleadings on behalf of the parties. As such there is no alternative except to return the reference to the Government for necessary action at its end.

2. Accordingly the reference is returned to the Government unanswered for necessary action at its end.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2020

का.आ. 869.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स माँ वैष्णो एमपीसीएस लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 20/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.09.2020 को प्राप्त हुआ था।

[सं. एल-29012/3/2011-आईआर(एम)]

नवीन वैद्य, उप-निदेशक

New Delhi, the 17th September, 2020

S. O. 869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2012) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Maa Vaishno MPCs Ltd. and other, and their workman, which was received by the Central Government on 15.09.2020.

[No. L-29012/3/2011-IR(M)]

NAVIN VAIDYA, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present: Shri B. C. Rath, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 20/2012

No. L-29012/3/2011 – IR(M), dated 16.1.2012

Date of Passing Order – 21st May, 2018

Between:

1. Shri Rajendra Nanda,
M/s. Maa Vaishno MPCs Ltd., Contractor,
At./Po. Bolani, Dist. Keonjhar (Odisha)
2. The SAIL-RMD-
Bolani Ores Mines, Bolani,
Dist. Keonjhar

... 1st Party-Managements

(And)

The General Secretary,
Keonjhar Mining Workers Union (CITU),
At./Po. Bolani, Dist. Keonjhar (Odisha)

... 2nd Party-Union

Appearances:

None : For the 1st Party-Management No. 1
Shri B. B. Tripathy, Legal Asst. SAIL RMD : For the 1st Party-Management No. 2
None : For the 2nd Party-Union

ORDER

Authorized representative of the Management is present. None appears on behalf of the 2nd party-Union on repeated calls. No step is also taken on behalf of the 2nd party-Union. It is seen from the record that after filing of statements by both the sides the 2nd party-Union is not taking any step to prosecute the reference. In the above premises there is nothing before this Tribunal to answer the reference. Hence the reference be returned to the Ministry of non-prosecution by the 2nd party-Union.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer